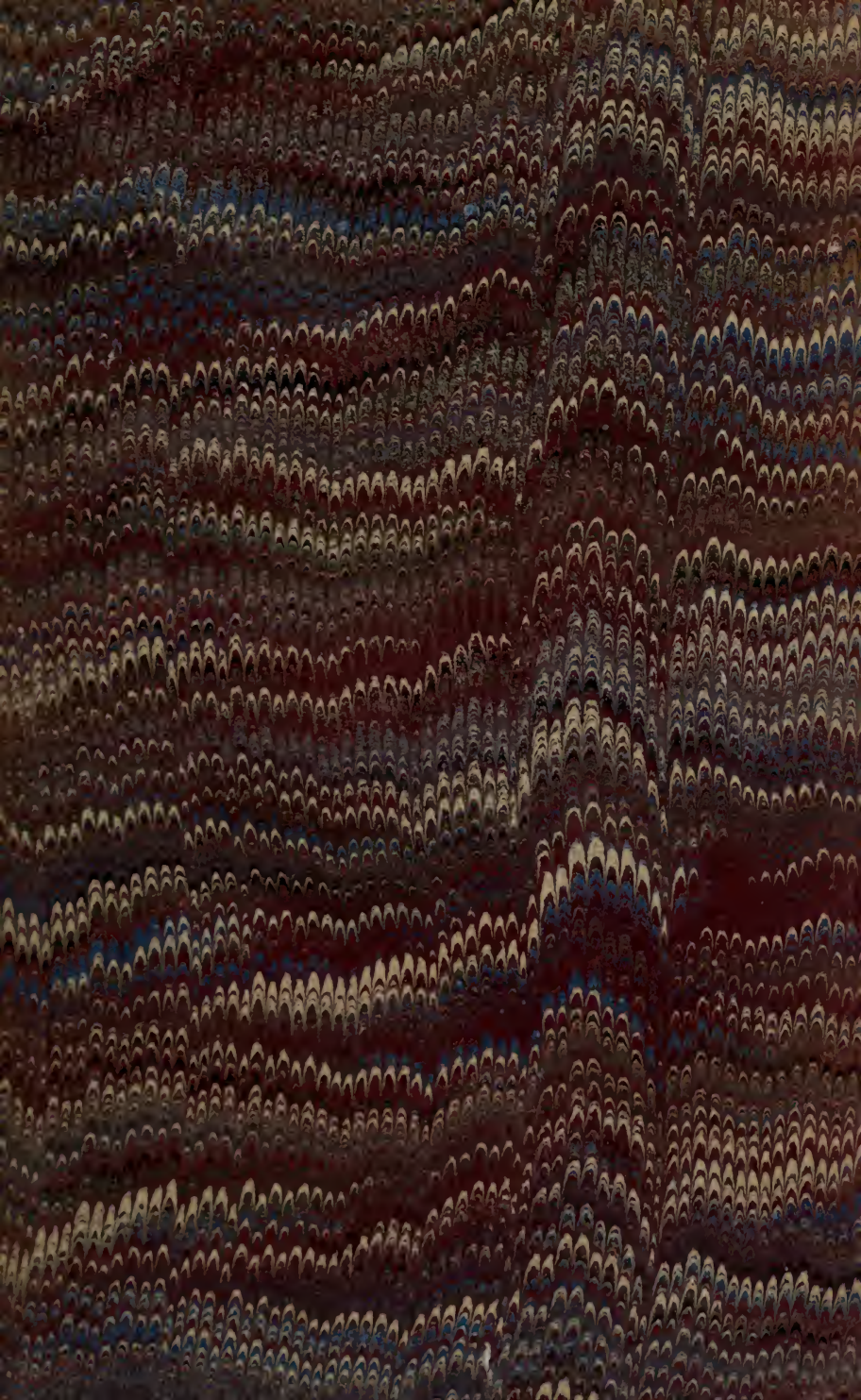

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A HISTORY

OF THE

ENGLISH POOR LAW,

IN CONNEXION WITH

THE LEGISLATION AND OTHER CIRCUMSTANCES AFFECTING THE CONDITION OF THE PEOPLE.

BY

SIR GEORGE NICHOLLS, K.C.B.,

LATE POOR LAW COMMISSIONER, AND SECRETARY TO THE POOR LAW BOARD.

IN TWO VOLUMES.

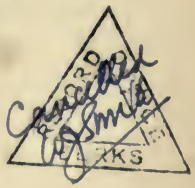
VOL. II.

LONDON:

JOHN MURRAY, ALBEMARLE STREET.

KNIGHT & Co., 90, FLEET STREET.

1854.



L 1009

"Whenever, for the purposes of government, we arrive, in any state of society, at a class so miserable as to be in want of the common necessaries of life, a new principle comes into action. The usual restraints which are sufficient for the well-fed, are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances, it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast-beef of their more industrious neighbours: and it may be expedient, in a mere economical point of view, to supply gratuitously the wants even of able-bodied persons, if it can be done without creating crowds of additional applicants."

BABBAGE, *On the Principles of Taxation.* London, 1851.

LONDON: PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
AND CHARING CROSS.

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A HISTORY

OF

THE ENGLISH POOR LAW.

PART THE THIRD.

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On the death of Queen Anne, George the First ascended the throne under the provisions of the Act of Settlement, but the partisans of the exiled family were secretly endeavouring to stir up jealousies and discontent. Several persons of rank were impeached, others were arrested, and at length the Jacobites in Scotland broke out into open rebellion.

George I. 1714–1727.

There was likewise an insurrection in England, but after proclaiming the Pretender in the North, and being joined by the Scottish malcontents, the insurgents were compelled to surrender at Preston; and about the same time the rebel army of Highlanders, under the Earl of Mar, were defeated at Dumblaine, and the rebellion was so far put down as no longer to excite serious apprehension. At this juncture the Pretender came over in disguise, and joined his discomfited partisans in Scotland; but he was soon compelled to re-embark, and all hopes of success were for the present abandoned, both by him and his followers. The smouldering embers of disaffection still remained, however, and continued to keep alive an uneasy and unsettled feeling in the country, and in some degree to influence the policy of the government throughout the reigns of the first two sovereigns of the House of Hanover.

1714. 1 George I., stat. 2, cap. 5. The Riot Act.

One of the first Acts of the new reign was *The* 1*st* *George* 1*st*, *stat.* 2, *cap.* 5, for preventing tumults and riotous assemblies. It declares that many rebellious riots and tumults have of late taken place, and are yet continued and fomented by persons disaffected to his Majesty; and for preventing and suppressing such riots, and the more speedy and effectual punishing the offenders, it was enacted, that if twelve or more persons tumultuously assemble together to the disturbance of the public peace, and, on being required by proclamation in the king's name to disperse, shall notwithstanding riotously continue together the space of one hour after such proclamation, the offenders shall be adjudged felons, and suffer death as in case of felony. The form of the proclamation is given, and it is directed to be openly read "with a loud voice" by the justice of peace, or other person authorized, as near to the said rioters as he can safely come, first commanding silence; and after the proclamation has been

so read, the rioters may be forcibly dispersed, in doing which, if any of them shall happen to be killed or hurt, the justice and others effecting such dispersion are held harmless. There is likewise a similar provision with respect to tumultuously assembling and demolishing or injuring churches, chapels, dwelling-houses, barns, and other buildings, the offenders therein being declared guilty of felony; in addition to which, the damage done by them is to be repaid by the inhabitants of the hundred. This is '*The Riot Act*,' and it has continued in force to the present day.

Shortly after the above, the celebrated Septennial Act was passed (*The* 1*st George* 1*st, stat.* 2, *cap.* 38). It begins by reciting the 6*th and* 7*th William and Mary, cap.* 2,[a] by which the continuance of every parliament is limited to three years, and then declares it to have been found by experience very grievous and burthensome, occasioning much greater expenses and more violent and lasting heats and animosities than were ever known before: and it is then enacted, that the present and all future parliaments shall have continuance for seven years. The passing of this Act must have helped to give stability to the government at that time, although it was then, and has ever since continued to be objected to by many persons, as tending to a dangerous increase of the influence of the crown. With the view of curtailing such influence, it was subsequently provided by *The* 1*st George* 1*st, stat.* 2, *cap.* 56, that no person having a pension from the crown for any term or number of years, either in his own name, or in the name of any person for his benefit, shall sit or vote as a member, under a penalty of twenty pounds for every day in which he shall so sit or vote. The passing of this Act would seem to negative the assump-

1715. 1 George I., stat. 2, cap. 38. The Septennial Act.

1715. 1 George I., stat. 2, cap. 56.

[a] Ante, vol. i. p. 352.

tion as to the undue or dangerous influence of the crown; but the solicitude evinced by it for the independence of parliament is worthy of all praise.

1717. 4 George I., cap. 11.

The proneness to disorder and the disregard of law which prevailed at this period, are evidenced by the passing of *The 4th George 1st, cap.* 11, which declares that the laws in force against robbery, larceny, and other felonies, have not proved effectual to deter persons from being guilty of the said crimes. It also declares, that in many of the colonies in America there is great want of servants; and it then enacts, that persons convicted of grand or petit larceny, or felonious stealing, or of any offence within benefit of clergy, and who are liable to be whipped or burnt in the hand, "*or have been ordered to any workhouse*,"[b] may be sent to some of his Majesty's colonies in America for the space of seven years, and be made over to the use of any person who shall contract for such transportation for that period. And persons convicted of offences for which the penalty of death ought by law to be inflicted, may be transported, and so assigned to serve, for fourteen years. And if any such offenders shall return before the end of the terms respectively assigned them, he or she so returning may be executed as a felon.

Persons convicted of theft and larceny to be transported for seven years.

The *5th section* declares that there are many idle persons under the age of one-and-twenty, lurking about in London and elsewhere, who want employment, and may be inclined to enter into service in some of the American colonies, but that, having no power to contract for themselves, "it is not safe for merchants to transport them or take them into such service." Wherefore it is enacted that where any person between the ages of fifteen and twenty-one shall be willing to enter into service in the American colonies,

[b] Pauperism and crime are thus treated as equal offences.

it shall be lawful for any merchant to contract with such person to serve for a term not exceeding eight years, provided the person so binding him or herself comes before the lord mayor in London, or before two justices of peace if elsewhere, and acknowledges such consent and signs such contract, which are to be certified to the next general quarter sessions, and registered without fee or reward.

Youths idling about London and other towns may serve in the colonies.

This provision seems well calculated to relieve the metropolis and other large towns from the number of young persons generally found idling about in such places, where they too often become the victims of vice and depravity. To remove such young persons from the temptations of the streets of London, and to place them for eight years beyond the reach of such demoralizing influences, even although it were under a species of petty slavery, would be giving them a better chance for becoming useful members of society than if they remained at home, surrounded by evil example and every incentive to immorality and crime. So thought the framers of the present Act; and as the removal and servitude of these young persons were to be with their own consent, and guarded against fraudulent coercion or persuasion by the intervention of the magistrates, there seems no insuperable objection in point of principle to the mode in which it is here sought to be accomplished.

This Act of a former period, almost necessarily draws attention to the number of lads between the ages of ten or twelve and eighteen, who in the present day are seen roaming about the streets of London begging, or sweeping the crossings, or engaged in some other pauperising pursuit, calculated to unfit them for earning their future livelihood by honest industry. It is much to be lamented that some means are not devised for removing these youths to the colonies, and thus putting

them in a way of becoming useful and benefiting the community, instead of their remaining a burthen, and, too probably, becoming a more serious infliction upon it. The emigration now so rapidly going on, is draining the country of its best hands and stoutest hearts. The active, enterprising, and industrious, emigrate in search of a better field for the exercise of their faculties —the inert, the idle, and the infirm remain at home, deteriorating the general stock, and reducing the general powers of production. The best and most hard-working bees surely ought not to be cast out of the hive, or at any rate they ought not to be cast out alone: they should be accompanied by some of the less effective, or the hive will be dangerously weakened. The best and readiest, if not the only corrective for this state of things, seems to lie in rescuing the deserted, the vagrant, the orphan, and the destitute poor children of both sexes, from the contaminations to which they are now exposed in our great towns, before the evil influence has taken such hold of them as to indispose and unfit them for anything that is good. Unless this be done they will, as they grow up, in all probability swell the ranks of the idle and vicious, and prey upon or be a burthen to the community; and the best mode of so rescuing them appears now, as it was thought to be nearly a century and half ago, their early removal to the colonies.

1718. 5 George I., cap. 8.

The 5th George 1st, cap. 8 is, in its import, not very dissimilar to the statute just quoted. It commences by reciting, that "divers persons run or go away from their places of abode into other counties or places, and sometimes out of the kingdom, some men leaving their wives, a child, or children, and some mothers run or go away, leaving a child or children upon the charge of the parish or place where such child or children was or were born, or last legally settled, although such persons have

Desertion of families.

some estates which should ease the parish of their charge, in whole or in part." And it then enacts, that it shall be lawful for the churchwardens and overseers of the poor of the parish or place where such wife, child, or children shall be left, under the warrant of two justices, to seize so much of the goods and chattels, and receive so much of the annual rents, of such husband, father, or mother, as such justices shall order, towards the discharge of the parish for bringing up and providing for such wife, child, or children. And the justices in quarter-sessions are further empowered to make an order, enabling the churchwardens and overseers to dispose of such goods and chattels by sale or otherwise, or so much of them as shall be deemed necessary for the aforesaid purposes; and the churchwardens and overseers are to account to the quarter-sessions for all money so received by them.

This Act brings to light a new incident in poor-law administration. The obligation imposed upon parishes, of providing needful relief for all persons belonging to or settled in them, has, we here see, led to the desertion of families, sometimes even, it would seem, by persons possessed of sufficient means for their support. To guard against this gross abuse of the law, and this abandonment of natural duty, it is now provided that the property of such persons may be seized by the parish officers, and applied to supporting the wives and the children so abandoned. A man may have deserted his family, and gone away to another county or place, or to another kingdom, but, if he has left property of any kind behind him, it will now be made available for the support of those whom he has forsaken. This Act is highly instructive, as showing the abuse to which every compulsory system of relief is more or less liable, even to the extent of blunting natural sympathies, and neutralising parental affection. It moreover shows the necessity for keeping a watchful eye upon the administration of all

such relief, and for a jealous supervision of the laws by which it is prescribed.

1718. 5 George I., cap. 28. *The 5th George 1st, cap.* 28, is entitled 'An Act for the further Punishment of Persons who shall unlawfully destroy Deer,' &c., and it recites, that "disorderly and riotous persons, in defiance of the laws, have of late in great numbers, with armed force, entered parks and other closed grounds where deer are kept, whereby bloodshed and murder hath frequently happened, and great mischief may ensue"—for prevention of which it is enacted, that any person who shall, without consent of the owner, enter a park or any enclosed ground where deer are kept, and wilfully wound or kill the same, or be aiding or assisting therein, shall, on conviction, be transported to one of the plantations in America for seven years. In the following year another Act was passed which, like the present, indicates the existence of a spirit of violence and disorder in the rural population at that time. The object

1719. 6 George I., cap. 16. of this last Act (*The 6th George 1st, cap.* 16) is declared to be for the better preservation of woods, &c.; and it recites, that "divers lewd, lawless, turbulent, and disorderly persons, sometimes in an open riotous and tumultuous manner, and at other times in a clandestine malicious and private manner, do enter the woods, plantations, parks, &c., of lords of manors and others, and make great havoc and destruction by cutting down, spoiling, plucking up, and carrying away wood, poles, fruit-trees, &c., there growing; and also by breaking open, throwing down, levelling, or destroying the hedges, gates, and fences, &c., to the great injury of such lords of manors and other owners." Doubts are then said to have arisen whether these offences are punishable by the *1st George 1st*, passed in 1715, for encouraging the planting of timber, fruit, and other trees, and for better preserving the same; and it is therefore enacted that the lords and other owners

shall have remedy and satisfaction from the inhabitants of the parish, town, hamlet, or place adjoining such woods, &c., for the damage done, in the same manner and form as is directed by the Statute of Westminster (13th Edward 1st, sec. 46), "for dykes and hedges overthrown by persons in the night, or at any other season when they supposed they were not espied." And the offenders are, on conviction, to be committed to the house of correction, with hard labour, for three months.

The above Acts are noticed chiefly on account of the information they afford of the state of the country at that time. The people, we see, were over-prone to rebel against the restraints of the law, and to disregard the rights of property—a state of things unfavourable to social improvement, and to the progress of honest industry. This, moreover, was not confined to the land; for two years afterwards it was found necessary to pass 'An Act for the more effectual Suppressing of Piracy at Sea.' This Act (*The 8th George 1st, cap.* 24) declares, that the number of piracies, felonies, and robberies upon the seas, is of late very much increased, and that many idle and profligate persons have turned pirates, "whereby the trade into remote parts will greatly suffer, unless some further provision be speedily made." It is accordingly enacted, that if the commander of any vessel or other persons shall trade with, or furnish any pirate or robber upon the seas with ammunition, provisions, or stores of any kind, or shall confederate or correspond with any pirate, knowing him to be such, they shall be adjudged guilty of felony, and suffer accordingly. "And to the end that a further encouragement may be given to all seamen and mariners to fight and defend their ships from pirates," it is also enacted, that in case any of them shall be maimed or disabled in so doing, they shall be provided for in Greenwich Hospital preferably to mariners dis-

1721. 8 George I., cap. 24.

abled by age. And masters and seamen not fighting and defending their vessels as far as they are able, when attacked by pirates, are to forfeit their wages, and be subject to six months' imprisonment.

In what degree these disorders were attributable to the partisans of the House of Stuart, it is impossible to say; but that they had some influence in fomenting discord, and stirring up resistance to established authority, can scarcely be doubted. There may have been, and probably were other causes, but the political disquiet following upon the change of dynasty was assuredly one, if it were not indeed the chief.

1720. 7 George I., cap. 7.

The 7th George 1st, cap. 7, is entitled 'An Act to preserve and encourage the Woollen and Silk Manufactures,' and it affords another instance, in addition to the many already cited, of a disposition in the legislature to force trade and manufactures into other channels than those in which they would naturally flow. The recital declares it to be "most evident that the wearing and using of printed, painted, stained, and dyed calicoes in apparel, household stuff, furniture, and otherwise, does manifestly tend to the great detriment of the woollen and silk manufactures, and to the excessive increase of the poor, and if not prevented may be the utter ruin and destruction of the said manufactures, and of many thousands whose livelihoods do entirely depend thereupon." The wearing or use of printed or dyed calico is then prohibited under a penalty of five pounds, and the selling of the same, unless it be for exportation, is likewise prohibited under a penalty of twenty pounds. These prohibitions of the use of calico appear extraordinary to us at the present day, when our ordinary clothing and the furniture of our houses consist so largely of this material, and when, moreover, such vast numbers of our people "whose livelihoods do entirely depend thereupon," are employed in the manufacture of cotton. But this only

the more clearly proves the short-sighted policy of such restrictive legislation. Every attempt to force into use articles which are less eligible or less liked, and to prohibit the use of articles which are more liked and deemed more eligible, is sure in the long run to fail, and be the occasion of needless expense and privation to the people for whose benefit it is, as in this instance, professed to be intended. The extent to which our cotton manufactures have since grown, the amount of employment they afford, and their immense importance to the country at this time, place the above prohibitions in a point of view more markedly objectionable, and even absurd, than would be the case in most other instances; but all such prohibitions are essentially of the same character, and must be judged by the same standard.

The above observations apply with equal force to *The 7th George 1st, cap.* 12, by which it was attempted to encourage the manufacture of a particular kind of button and button-hole. It commences by reciting two statutes, one passed in the late, the other in the present reign (the *8th Anne, c.* 11, and the *4th George 1st, cap.* 7), in which it was enacted, "that no buttons or button-holes made of cloth, serge, drugget, frize, camblet, or any other stuffs, should be made, set, or bound on any clothes or wearing-garments whatsover, by any tailor or other person," under a penalty of five pounds for every dozen of buttons and button-holes so set on and made. The present Act declares that these prohibitions have not been effectual, and that buttons and button-holes made of cloth and other stuffs are still usually made, set, and bound on clothes, &c., to the great impoverishment of the manufacturers of buttons and button-holes made of silk, mohair, and thread. Wherefore, in the present Act, the prohibition is repeated, but the penalty is reduced from five pounds to forty shillings for every dozen of

1720. 7 George I., cap. 12.

such buttons and button-holes so illegally set on or made, the magnitude of the higher penalty probably rendering it ineffective.

1720. 7 George I., cap. 13. The above Act for regulating buttons and button-holes is immediately followed by *The 7th George 1st, cap.* 13, 'For regulating Journeymen Tailors.' This Act declares that "great numbers of journeymen tailors in and about the cities of London and Westminster, and others who have served apprenticeships, or been brought up in the art and mystery of a tailor, have lately departed from their services without just cause, and have entered into combinations to advance their wages to unreasonable prices and lessen their usual hours of work, which is of evil example, and manifestly tends to the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor;" and it then enacts that all covenants or agreements between such persons for advancing their wages, or for lessening their usual hours of work, are illegal and void, and every person offending therein is, on conviction, subjected to two months' imprisonment with hard labour.

The prohibiting of combinations may then have been necessary, but the Act does not stop there; it goes on to prescribe the hours of work, which are to be from six in the morning until eight at night, with an allowance by the master "of one penny halfpenny a-day for breakfast, and one hour for dinner;" and it also prescribes the amount of wages, which between the 25th of March and the 24th of June are not to exceed two shillings a-day, and for the rest of the year one shilling and eightpence. It further provides that, if any journeyman tailor shall quit service before the expiration of the term for which he was hired, or before completing the work for which he was retained; or if he, "not being retained or employed, shall refuse to enter into work or employment after request made for that

purpose by any master tailor, for the wages and hours limited as aforesaid, unless it be for some reasonable and sufficient cause to be allowed by two justices of the peace," every person so offending is to be committed to hard labour in the house of correction for any time not exceeding two months. And if any master tailor or other person shall pay greater wages than the Act prescribes, he is to forfeit for every offence five pounds, one-half to the informer, the other half to the poor of the parish.

To discourage idleness and prevent the increase of the poor, are assigned as reasons for the passing of this Act; and they are no doubt legitimate objects of legislation, or rather it may be said object, for they can hardly be separated, poverty being the invariable concomitant of idleness. But it may be questioned whether thus prescribing the hours of work, and the amount of wages, was the way to attain this object,—whether it would not, on the contrary, tend to produce an opposite result, by promoting and perpetuating indolence and poverty in the class of operatives to which the legislation applied? Yet this Act continued in force for nearly half a century, and until modified by the 8*th George* 3*rd*, *cap.* 17.[c]

About this time the public were much occupied with the South Sea scheme, the hopes and the fears, the frauds and the follies, connected with which, extended to every class from the highest to the lowest, and intensely agitated the whole community. The Acts 7*th George* 1*st*, *caps.* 1, 2, *and* 5, were passed in reference to this matter, and afterwards, in 1721, *The* 7*th George* 1*st*, *stat.* 2, was passed, under the title of 'An Act for making several Provisions to restore the Public Credit, which suffers by the Frauds and Mismanagements of the late Directors of the South Sea Company and others.' The publications of the day

1721. 7 George I., stat. 2.

[c] See post.

teemed with dissertations on the subject, but notwithstanding the dishonest practices and the many evils by which the so-called "South Sea Bubble" was accompanied and disgraced, it may not have been without some beneficial influence on the enterprise and industry of the country, by enlarging the views of commercial men, and pointing out new fields of action for the hardy and adventurous, and new channels for the employment of capital.

1722. 9 George I., cap. 7.

The 9th George 1st, cap. 7, applies more immediately to our main subject, and is entitled 'An Act for Amending the Laws relating to the Settlement, Employment, and Relief of the Poor.' It recites the clause of the *3rd William and Mary, cap.* 11,[d] which provides that in every parish a book should be kept, wherein the names of all persons receiving relief, and the occasion thereof, should be registered, and that no other person should be allowed relief, except in case of pestilential disease, plague, or small-pox, but by authority of a justice of peace residing in or near the parish, or by order of the justices in quarter-sessions.

Justices are not to order relief without first communicating with the overseers.

And it is then declared that, under colour of this provision, "many persons have applied to some justices of peace without the knowledge of any officers of the parish, and thereby, upon untrue suggestions, and sometimes upon false and frivolous pretences, have obtained relief, which hath greatly contributed to the increase of the parish-rates." For remedy whereof it is then enacted, that no justice of peace shall order relief to any poor person until oath be made of some reasonable cause for having relief, and that application had been made for it to the overseers of the poor, or to the vestry of the parish, and was by them refused; nor until the overseers had been summoned to show cause why the relief should not be

[d] Ante, vol. i. p. 341.

given. And it is further directed, that any relief which may be ordered by a justice of peace is to be recorded in the parish book, and is to be continued only so long as the cause for it continues; and also, that any overseer or parish officer who shall give relief not so ordered and recorded, "except upon sudden and emergent occasions," shall forfeit and pay the sum of five pounds to the use of the poor of the parish.

The churchwardens and overseers of the poor are moreover empowered, with the consent of the vestry, "to purchase or hire any house or houses, and to contract with any persons for the lodging, keeping, maintaining, and employing any or all such poor persons in their respective parishes, &c., as shall desire to receive relief, and there to keep, maintain, and employ all such poor persons, and take the benefit of their work, labour, and service." Where any parish shall be too small to hire or purchase a house for the poor of their own parish only, two or more such parishes may, with the approbation of the vestry and the consent of any justice of peace dwelling in or near the same, unite in purchasing or hiring such house for keeping and maintaining the poor of the parishes so uniting, and there to lodge, keep, and maintain them accordingly, and have the benefit of their labour. It is further enacted, that the churchwardens and overseers of any parish having such house or houses may, with the consent of vestry, "contract with the churchwardens and overseers of any other parish for the lodging, maintaining, or employing any poor persons of such other parish as to them shall seem meet," such persons not thereby to acquire a settlement. And in case any poor persons shall refuse to be lodged and maintained in such house or houses, they are to be "put out of the book in which the names of persons who ought to

Two or more parishes may unite in providing a house for keeping and maintaining their poor.

receive relief are registered, and shall not be entitled to ask or receive relief from the churchwardens and overseers."

We here see that the system of relief had reached a head which the organization of the smaller parishes was unequal to control, and aid was sought, first by providing a workhouse in the larger parishes, and then by enabling the smaller ones to unite for that purpose, and lastly, by empowering a parish, having a house of sufficient size, to contract for the maintenance and employment of the poor of other parishes, thus extending its usefulness beyond the limits of the parish to which it belonged.

In these first efforts to establish a species of test for the prevention of fraud, and the guidance of parish officers in administering relief, we may trace the germ of what was afterwards accomplished in this respect. The insufficiency of individual judgment for deciding upon the claims and representations of applicants—whether they are actually and unavoidably destitute, or whether destitution is simulated and unreal—whether, if existing, it was occasioned by idleness or vice, or was owing to circumstances beyond the applicant's control—on these points, the insufficiency of personal judgment seems in the present Act to be tacitly admitted, and an attempt is made to relieve the parish authorities from a portion of their responsibility, by enabling them to offer lodging and maintenance in the parish houses, which if the applicant refuses, he will be no longer entitled to relief of any kind. The power now given to contract with persons for maintaining and employing the poor, "and taking the benefit of their labour and service," will obviously be liable to abuse, and is therefore of doubtful policy. But it shows that the evils of pauperism were at this time of such magnitude as to call for extraordinary remedies, and this contract system was resorted to as one.

Its results will appear in the provisions of a future Act.[e]

The *5th section* provides, that no person shall be deemed to acquire a settlement in any parish by purchase of any estate or interest therein of less value than *thirty pounds*, to be "bonâ fide paid;" and such settlement is to continue so long only as the purchaser retains and occupies the property, without which, he is liable to be removed to the place where he was last legally settled "before the said purchase and inhabiting therein." It must be presumed that settlement had been, at least in some instances, acquired by means of fraudulent purchase or occupancy, and this not altogether by the poor themselves, but with the aid or by the connivance of other persons, having an interest in procuring such settlements to be made in parishes where they would not be called upon to contribute. To guard against this fraudulent evasion of a legal liability, it is now we see provided that 30*l.* must be "*bonâ fide paid*" by the purchaser and occupant of a tenement, in order to confer a right of settlement, and that such right is only to continue so long as he holds and occupies the premises, which of course are rated to the relief of the poor. It is likewise enacted, that a payment of the scavenger or highway rate shall not confer a right of settlement, "any law to the contrary in anywise notwithstanding." This refers to the *3rd of William and Mary, cap.* 11,[f] which provides that any person who pays rates and taxes, or holds a public annual office in a parish, obtains thereby a right of settlement. But this is now found to be productive of inconvenience, as the payment of a trifling scavenger or highway rate, might lead to a parish being burthened with a charge to which it was not justly liable, and from which it

The purchase and occupancy of a tenement of not less than 30*l.* value necessary for giving a right of settlement.

[e] See the 45th George III. cap. 54; post.
[f] Ante, vol. i. p. 341.

would otherwise be legally exempt. We have here another instance of the fraud and injustice to which the law of settlement gives rise.

Shortly after the passing of the present Act, many parishes took advantage of its provisions by hiring or erecting workhouses, or by uniting or contracting with other parishes for the maintenance and employment of their poor; and it was found, that in either case, the proceeding led to a reduction of the rates. A work was published in 1725, and republished in 1732, giving an account of upwards of a hundred of these establishments in different parts of the country. The substance of this account is abstracted in considerable detail by Sir Frederic Eden,[g] but it is here only necessary to observe respecting it, that, although in every instance the use of the workhouse was at first successful in causing a considerable reduction in the cost of relief, yet it was not permanently effective for the purpose, the charge after a time again increasing, and continuing to do so, until in most cases it exceeded the amount at which it had previously stood. This result cannot now occasion surprise, for these workhouses were established, and mainly conducted, with a view to deriving profit from the labour of the inmates, and not as a means of testing the reality of their destitution. The workhouse was in truth at that time a kind of manufactory, carried on at the risk and cost of the poor-rate, employing the worst description of the people, and helping to discourage and pauperise the best. The ultimate tendency of establishments so founded, and so conducted, was in fact to increase the burthen of relief, to lead the entire labouring population to a dependence upon the rates, and to bring them down to the lowest level both individually and socially.

Character and results of the workhouses established under *The 9th George I., cap. 7.*

[g] Sir F. Eden's 'State of the Poor,' vol. i. pp. 269 to 288.

Notwithstanding the enactments of the *5th and 6th of the present reign, caps.* 28 *and* 16,[h] robberies and violence appear to have still prevailed, and confederacies were formed in various parts of the country, exciting terror, exacting contributions, and committing various illegal Acts; for preventing which, *The 9th George 1st, cap.* 22, was now passed. It declares that many ill-designing and disorderly persons have of late, under the name of "*blacks*," confederated to support one another in illegal practices; "and have in great numbers, armed with swords, fire-arms, and other offensive weapons, several of them disguised and with their faces blackened, unlawfully hunted in forests belonging to his Majesty and in the parks of divers of his subjects, and destroyed, killed, and carried away the deer, robbed warrens, rivers, and fish-ponds, and cut down plantations; and have sent letters in fictitious names demanding venison and money, and threatening some great violence if such their unlawful demands should be refused, or if they should be interrupted in, or prosecuted for, their wicked practices; and have actually done great damage to several persons who have either refused to comply with such demands, or have endeavoured to bring them to justice." For remedy of which it is enacted, that any person who shall commit any of the above offences, or shall maliciously kill or maim any cattle, or shall set fire to any building or to any stack of corn, straw, hay, or wood, or shall maliciously shoot at any person, or forcibly rescue any person in custody for any of the above offences, "shall be adjudged guilty of felony, and shall suffer death without benefit of clergy." And as a further remedy, it is likewise enacted that the hundred shall be answerable to an amount not exceeding 200*l.* for the damage any person

1722. 9 George I., cap. 22.

[h] Ante, p. 8.

may have suffered by the commission of any of the above-named offences, the same to be recovered by action against any of the inhabitants of the hundred. For the better discovery of offenders, justices are empowered to issue warrants authorising officers to enter houses, and search for venison stolen or unlawfully taken, &c.; and if any person shall be killed, or lose an eye or the use of a limb, in apprehending offenders under this Act, such person (or his representatives as the case may be) is entitled to receive from the county the sum of fifty pounds.

1725. 12 George I., cap. 30. The above Act was subsequently continued by *The 12th George 1st, cap.* 30, and must therefore be presumed to have proved beneficial. The punishments it inflicts seem severe, but the occasion for them appears to have been urgent. Burning houses and corn-stacks, killing and maiming cattle, and destroying plantations, are offences highly injurious to the community, which is bound on the principle of self-preservation to spare no efforts for putting them down. The plundering of parks and fish-ponds may be deemed a more venial offence, but this is very much a question of circumstance and degree; for if associations, armed and banded together, were formed for the purpose of committing these depredations, and resisting or overawing the proprietors or the officers of the law, it became equally essential to the general weal that such practices should be abolished, and that nothing necessary to this end should be omitted.

1725. 12 George I., cap. 34. We have seen what was done in 1720 for regulating journeymen tailors.[1] *The 12th George 1st, cap.* 34, is now passed "to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of wages." The recital declares, that great numbers of weavers and

[1] Ante, p. 12.

others have lately entered into unlawful combinations to regulate the prices of goods and to advance wages, and have committed great violences and outrages, "and by force protected themselves and their wicked accomplices against law and justice," so that it is necessary more effectual provision should be made against such unlawful combinations, &c. And it is accordingly enacted, that all covenants and by-laws for regulating the prices of goods, or advancing wages, or lessening the hours of work, are and shall be illegal and void; and that any person knowingly entering into the same in future, or that shall attempt to put any such illegal by-law or agreement into execution, shall, on being convicted thereof before two or more justices of peace, be committed to hard labour for three months in the house of correction or county jail, as the justices may determine. It is further enacted, that if any weaver or woolcomber, &c., shall quit his service before the expiration of the term for which he is hired, or if he fails to finish his work according to agreement, unless for some reasonable cause, to be judged of and allowed by two justices, he shall be committed to hard labour in the house of correction for any time not exceeding three months. And if any woolcomber, &c., wilfully destroys goods or work wherewith he is intrusted, he is required to pay the owner double the value thereof, or be committed to hard labour for not exceeding three months.

The Act moreover directs, that clothiers, or persons concerned in making woollen cloths, &c., shall pay the people whom they employ the full wages agreed upon in money; and if any clothier, &c., shall pay the weavers and the people he employs any part of the wages agreed upon "in goods, or by way of truck, or in any other manner than in money, contrary to the true intent and meaning of this Act," he is to forfeit the sum of ten pounds, one half to the informer, the

Payment by way of truck prohibited.

other half to the party aggrieved. This is an extension of the penalty imposed for a like offence by the 10*th Anne*, *cap.* 26,[k] which is only twenty shillings, one half to the informer, the other half to the poor of the parish. But by thus increasing the penalty to ten pounds, and dividing it between the informer and the workman, an almost irresistible inducement would be created for enforcing the provisions of the Act, and preventing its evasion through fraud and collusion. On the other hand, the masters are protected against violence or dictation on the part of their workmen, the Act providing that, if any person shall assault or abuse a master clothier, &c., for not complying with the rules of any of the fore-mentioned illegal associations, or shall write or send any message or letter to such master threatening to burn or destroy any buildings, or to cut down or destroy any of his trees, or to maim or kill any of his cattle, for not complying with the demands of his workmen, &c., he shall on conviction be declared guilty of felony, and be transported for seven years. As far as protecting the workmen from fraudulent payments, and the masters from violence and dictation goes, these enactments were doubtless right. But to prohibit the workmen from peaceably agreeing together and combining to obtain an increase of wages, would put them altogether at the mercy of their employers, and was carrying legislative interference beyond what the justice of the case and sound principle warrants.

1727. Death of George I.

We have now reached the close of the reign of George the First. He died suddenly at Osnabruck, on his way to Hanover, on the 11th of June, 1727. His character has been variously drawn, but all must admit, that as a sovereign, he exhibited considerable talent and much energy under circumstances of more than ordinary difficulty. Amicable

[k] Ante, vol. i. p. 398.

relations were throughout his reign uninterruptedly maintained with France, the power of which country was no longer so preponderant as to endanger the independence of its neighbours.

The most material circumstance in connexion with the Poor Laws which occurred in the reign now ended, is the increase in the number of workhouses, through the greater facilities afforded by the *9th George 1st, cap.* 7,[1] for providing these establishments, and for adapting them to the purposes of relief. Numerous Acts for the formation of roads, and for making rivers navigable, and extending and improving the means of transit and communication were likewise passed, and are all evidences of increasing wealth, and of the increased intelligence and industrial occupations of the people. Inoculation for the smallpox, which had long been practised in Turkey, was now introduced in England by Lady Mary Wortley Montagu, and the people were thus furnished with a palliative for one of the most dreadful scourges by which humanity is assailed.

George the Second succeeded to the crown on the death of his father; and the new parliament, which assembled in the January following, expressed in warm terms their sense of the benefits the country enjoyed under the government then happily established, and promised to support his Majesty in whatever was necessary for its maintenance, and for upholding the national honour. George II. 1727–1760.

The first Act of the present reign requiring notice, is *The 6th George 2nd, cap.* 31, entitled 'An Act for the Relief of Parishes from Charges arising from Bastard Children.' It recites, that "the laws now in being are not sufficient to provide for the securing and indemnifying parishes and other places from the great charges frequently arising from children begotten and born out of lawful matrimony;" and it enacts, that 1733. 6 George II., cap. 31.

[1] Ante, p. 14.

if any single woman shall be delivered of a bastard child that is chargeable, or likely to become chargeable, or shall declare herself to be with child, and that such child is likely to be born a bastard and to be chargeable, and shall upon oath before a justice of peace charge any person with having gotten her with child, it shall be lawful for such justice, on application of the overseers of the poor, to cause the immediate apprehension of such person, and to commit him to prison, unless he gives security to indemnify the parish, or to appear at the next general quarter sessions and abide the orders there made. If however the woman making the charge should happen to die or be married before she is delivered, or if she miscarry, or appear not to have been with child, the person so apprehended is to be discharged from his recognizance; and so likewise if no order shall be made upon such person (under the 18*th of Elizabeth, cap.* 3[m]) within six weeks after the woman's delivery, the man is to be discharged from his imprisonment. It is however specially provided, that no justice of peace is "to send for any woman before she shall be delivered, and one month after, in order to her being examined concerning her pregnancy or supposed pregnancy, nor to compel any woman before she shall be delivered to answer to any questions relating to her pregnancy."

Bastardy.

The charges arising from bastardy must have been found burthensome to parishes, and this Act was intended to afford a remedy, by enabling the woman to procure the apprehension, and eventually the imprisonment of the man to whom she had improperly submitted, and whom she may even have tempted to the commission of the crime. But it may well be doubted whether the remedy sought to be applied, did not in this instance, as in so many others, turn out a bane rather than a benefit, and instead of shielding female virtue

[m] Ante, vol. i. p. 169.

and relieving parishes from charge, weaken the defences of the one and increase the burthens of the other.

Two Acts closely connected with our subject were passed about this time, and require some notice. *The 5th George 2nd, cap.* 31, and *The 6th George 2nd, cap.* 2, are both Acts referring to an association entitled "*The charitable corporation for relief of the industrious poor, by assisting them with small sums upon pledges at legal interest.*" This association was established a few years previous, with the avowed purpose of assisting the poor, and it is not unlikely that many worthy persons may have aided in its formation; but, like some other associations ostensibly formed for a like purpose, it was worked for the benefit of a few designing men, at the cost of their dupes and followers. This seems to have been early ascertained in the present instance, and the first-named Act provides for the appointment of a commission for taking and determining all claims made by the creditors of this (so-called) "charitable corporation," as well as of persons claiming a share or interest in its stock or funds, and also requiring its promoters to appear before the Commissioners of Bankruptcy. The second Act extends the time for effecting these objects, and provides against the fraudulent releasing or assigning any debts due from such promoters. The number of sufferers by this scheme must have been considerable, or they would hardly have commanded the early and earnest sympathy of the legislature, as they appear to have done. That the association would have failed of serving the class for whose benefit it professed to be intended, even independently of the frauds which tainted its administration, cannot well be doubted. To hold out inducements to the "industrious poor" to borrow "small sums upon pledges," is surely not the way to promote provident habits among them. On their industry, prudence, and forethought, their condition in life will mainly depend; and anything that tends to

1732. 5 George II., cap. 31, and 6 George II., cap. 2.

divert them from relying upon these qualities, or which draws off their attention to other means, either for meeting a casual want, or for the supply of one that is more permanent and general, can hardly fail of being injurious.

The 7th George 2nd, cap. 21, declares "that many of his Majesty's subjects have of late frequently been put in great fear and danger of their lives, by wicked and ill-disposed persons assaulting and attempting to rob them;" and to the end that all persons may be deterred from committing such offences, and for the greater punishment of such offenders, it is enacted, that if any person shall with any offensive weapon assault or menace, or forcibly demand money or goods of any other person with intent to commit robbery, every person so offending shall be adjudged guilty of felony, and be liable to transportation for seven years; and if he breaks jail, or returns before the expiration of the seven years, he is to suffer death. With an extended traffic and increasing wealth, the temptations to acts of robbery and dishonesty were no doubt increased, and the only preventives would be a larger diffusion of moral and religious instruction, or a greater certainty and severity of punishment. To impart the first, even where a right appreciation of its advantages exists, would require time and preparation. The last is more readily attainable, and we accordingly find it in most cases the one that is adopted; at least adopted in the first instance, and generally persevered in until, like other prompt and powerful appliances, it produces a disease of its own, possibly as bad as that for which it was deemed a specific, and more chronic and intractable.

1734. 7 George II., cap. 21.

The 11th George 2nd, cap. 22, recites, that "many disorderly and evil-minded persons have of late assembled in great numbers and committed great violences, and done many injuries, with intent to hinder the exportation of corn, whereby many have been deterred from buying and following their

1738. 11 George II., cap. 22.

lawful business therein, to their great loss and damage, as well as the great damage and prejudice of the farmers and landholders, and of the nation in general." For preventing of which disorderly practices, it was enacted, that all persons so offending shall, on conviction, be subjected to imprisonment and hard labour for a period not exceeding three months, nor less than one month, and likewise be once openly whipped in the town or seaport near which the offence was committed. For a second like offence they are declared guilty of felony, and are to be transported for seven years. The damages committed are recoverable from the hundred, to the extent of 100*l.*, in like manner as in the case of robbery on the highways. At this time a bounty was allowed on corn exported, and the quantity which this bounty caused to be sent out of the country, seems to have alarmed the people who resided in the neighbourhood of the ports whence the corn was shipped, and raised a cry and a dread of scarcity and high prices, to guard against which they endeavoured to prevent its exportation.

Of the impolicy, and indeed the injustice of such bounties, that is, of taxing the whole community for the benefit of a part, there can be no doubt; but it does not appear that at the time of passing this Act there was any material increase of price, although in the year following there was a scarcity, which, but for the forced and artificial exportation under the influence of the bounty, would probably have been less felt. The winter of 1739-40 is described as being exceedingly severe.[n] The frost set in at Christmas, and lasted till the end of February. The Thames was frozen over, and tents and booths were erected on the ice. The cold was intense, many persons perished, and the people generally suffered great distress through the stoppage of their usual occupations. Mr. Tooke refers to the winter of 1739-

1739–40. Winter extremely severe. The Thames frozen over. High price of corn.

[n] See Smollett's 'History of England,' vol. iii. p. 35.

40 as "one of extraordinary severity and duration,"[o] followed, he says, by a very deficient harvest, so that the price of wheat, which at Lady-day, 1739, had been 31*s.* 5*d.* the quarter in Windsor market, rose at Lady-day, 1740, to 41*s.* 9*d.*, and at Michaelmas to 56*s.*; and he further states, in a foot-note, that the price in the Oxford market at Michaelmas, 1740, was 59*s.*, whilst at Michaelmas, 1738, it had been only 20*s.* 2*d.* The Eton tables[p] give the price of wheat in the Windsor market in the years 1738 and 1740 respectively at 35*s.* 6*d.* and 50*s.* 8*d.*; but these are the average prices in each of the entire years, and subject, moreover, to a deduction of one-ninth to bring them to the Winchester or standard measure. The scarcity was, however, deemed sufficient to call for legislative interference, and *The* 14*th George* 2*nd, cap.* 3, was passed, prohibiting the exportation of corn, &c., for one year. This prohibition and a favourable harvest the following year had the effect of reducing the price at Michaelmas, 1741, to 32*s.*, as stated by Mr. Tooke, or, as in the Eton tables, to 46*s.* 8*d.*, which, if reduced to standard measure as above, would be 41*s.* 6*d.* In 1742 the price given in these tables is 34*s.*, and in 1743 it is 24*s.* 10*d.*, subject to the same deduction.

1740. Exportation of corn prohibited.

The 13*th George* 2*nd, cap.* 29, makes provision for establishing a hospital for the maintenance and education of exposed and deserted children. It states, that in October of the year preceding "His Majesty, in compassion to the numbers of poor infants who are liable to be exposed to perish in the streets, or be murdered by their indigent and inhuman parents," had granted a charter of incorporation "to the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children," enabling them to purchase lands, erect

1740. 13 George II., cap. 29. The Foundling Hospital.

[o] See Tooke's 'History of Prices,' vol. i. p. 43.

[p] See Sir F. Eden's 'State of the Poor,' vol. iii. p. 76 of the Appendix.

buildings, and do whatever might be necessary for the purpose; but that, "by reason of the laws now in force for the relief of the poor, many difficulties may arise in carrying into execution the good intents of the said charter, and further powers are requisite." Accordingly such further powers are now granted, and the governors are authorised "to receive, maintain, and educate all or as many children as they shall think fit," and it is declared that all persons whatsoever may bring any child or children to such hospital to be received, maintained, and educated therein, and that no churchwarden or overseer shall stop or molest any person bringing such child or children, under a penalty of forty shillings. No parish officer is to have authority in such hospital, and no settlement is to be gained by a residence therein. The governors are authorised to employ the children in any sort of labour or manufacture, or to hire or let out the labour of such children, or to bind them apprentices to any persons willing to take them, or to place them out as mariners or servants, "until the age of twenty-four if a male, and twenty-one if a female," and every such binding or hiring is to be held as effectual "as if such children were of full age, and by indenture or otherwise had bound or hired themselves."

Institutions similar to the above had long existed on the Continent, especially in France and Italy; but this was the first Foundling Hospital established in England. The object of its promoters was to prevent the exposure and the murder of illegitimate children—doubtless a praiseworthy object; but the facility afforded by such institutions for hiding or averting the consequences of a vicious indulgence, experience has shown, will operate as an incentive to incontinence. The shame and the burthen consequent upon a departure from female virtue, are probably its most potent safeguards; and if these be removed, by enabling the mother to obtain with secresy as regards herself, a

maintenance for her child, better in all respects than the wife of an honest labourer would be able to obtain for hers, an increase of bastardy and the demoralisations which accompany it, must be expected to follow. Such, wherever foundling hospitals have been established, whether in France, in Italy, in England, or in Ireland, has been found to be the result; and they may therefore be held, in no slight degree, to create the evil which they are intended to mitigate or to cure.[q] But it may be further remarked, that wherever a system of poor-law relief prevails, foundling hospitals are especially to be deprecated. The really destitute, whether infant or adult, are alike provided for if the law be rightly administered, and this in a way least calculated to outrage or pervert social influences; and the establishment of a foundling hospital must, in such case, not only be uncalled for, but would prove an absolute evil.

The outrages which were at this time committed on our commerce by the Spaniards, and the loud cry in consequence raised throughout England for redress, rendered a war with Spain inevitable, and it was accordingly declared in October 1739, and was followed shortly after by the general embroilment of the other European powers—France taking part with Spain, and both supporting the cause of the Pretender. In February 1743 a French fleet, having a body of troops and the young Pretender on board, anchored off Dungeness, with the view of giving confidence to his partisans; but on the English fleet coming in sight, they retreated to their own ports without attempting a landing. The support given to the Pretender by France and Spain, whilst it greatly encouraged his ad-

1739. War declared against Spain, with which France takes part, and both support the cause of the Pretender.

[q] A graphic account of the consequences resulting from such establishments, is given in the 'Quarterly Review' (No. cvii.) for April, 1835, in an article on 'English Charity,' attributed to Sir Francis Head, in which the reader will find much interesting information on this and other matters either immediately or remotely connected with the relief of the poor and the condition of the people.

herents, caused embarrassment to the government, and apprehension distrust and anxiety to its friends; and an Act was passed (*The 17th George 2nd, cap.* 6), declaring the nation to be "threatened with an invasion by a French power, in concert with disaffected persons at home, to the subversion of the Protestant religion and the laws and liberties of the kingdom," and empowering the king to secure and detain all persons suspected of conspiring against his person and government. 1744. 17 George II., cap. 6.

Great preparations had been made for carrying on the war with vigour. In June 1743 the battle of Dettingen was won under the king's personal command, and early in the following year there was an action in the Mediterranean with the combined fleets of France and Spain, which, however, owing to dissensions between the admirals in command, ended little to the honour of our navy.

Whilst the English forces were thus occupied by sea and land, the young Pretender landed in the west of Scotland, and assembled the Highland clans, with others favourable to his cause, and then, marching to Edinburgh, he caused his father (the Chevalier de St. George) to be proclaimed at the Market-cross. He afterwards defeated the king's troops at Prestonpans, which strengthened his authority, and added to the number of his followers. Great alarm prevailed in England. The king was hastily summoned back from the Continent. An army was formed under the command of the Duke of Cumberland; but before it could reach the North, the Pretender had quitted Edinburgh, captured Carlisle, and advanced to Manchester. He was there joined by a few English of no note, and then proceeded to Derby, where his father was again proclaimed with the usual formalities. But finding that the English people adhered firmly to the government, and his Highlanders becoming unruly, he determined, as a last resource, 1745. The Pretender defeats the king's troops at Prestonpans.

to retreat to Scotland, where, after achieving some partial successes, he was, in April 1746, entirely defeated, and his followers dispersed, by the Duke of Cumberland, at Culloden. The Pretender himself wandered about for several months in the Western Highlands, and then succeeded in escaping to France, whilst his unhappy followers were subjected to all the rigours of the law. In the following year (1747) our navy obtained two victories over the fleets of France, and in 1748 a general peace was established by the treaty of Aix-la-Chapelle.

1746. The Pretender defeated at Culloden.

1748. Peace of Aix-la-Chapelle.

The legislation of a period, may be regarded as generally indicating the nature of the offences which are at the time most prevalent; and in 1741 *The* 14*th George* 2*nd, cap.* 6, was passed 'For preventing the Stealing and Destroying Sheep and other Cattle.' It recites, that "evil-disposed persons have of late made it their practice, secretly in the night, to drive away and steal great numbers of sheep, and likewise to kill great numbers of sheep and to strip off their skins, and then steal the carcases, leaving the skins behind to prevent discovery; and also to kill and cut open the sheep, and take out and steal their inward fat, leaving the carcases behind to prevent being discovered; by which wicked practices many persons have been very greatly injured, and put to very great charges in having their sheep and other cattle watched." In order to prevent such practices, it is now enacted, that if any person shall feloniously drive away or steal any sheep or other cattle, or shall wilfully kill any of the same with the felonious intents above specified, all persons convicted of such offence "shall suffer death, as in cases of felony, without benefit of clergy;" and the person apprehending any such offender, will be entitled to a reward of 10*l.*, to be paid by the sheriff of the county where the offence was committed. By *The* 15*th George* 2*nd, cap.* 34, this Act is to be "deemed and taken to extend to any bull, cow, ox, steer, bullock, heifer, calf, and lamb,

1741. 14 George II., cap. 6.

as well as sheep, and to no other cattle whatsoever" —leaving deer under the protection of the previous law.[r]

With a like intent of protecting property unavoidably much exposed, *The* 15*th George* 2*nd*, *cap.* 27, 1742. 15 George II., cap. 27. was passed for preventing cloths, yarn, or wool, from being stolen. The recital declares, that "clothiers, and others concerned in the woollen manufacture, are under a necessity of letting their cloth and other woollen goods remain upon the rack or tenters, as also of suffering their wool to lie exposed, in the night-time, in order the better to dry and prepare the same, whereby the said goods are liable to be stolen by wicked and evil-designing persons, who are encouraged thereto by the difficulty of proving the identity of the goods stolen." It is therefore enacted, that in case any such goods so left out to dry, &c., shall be taken away or stolen, any justice of peace, on complaint thereof within ten days, may issue a warrant authorizing the search of the premises of suspected persons, and if any of the stolen goods be found therein, forthwith to apprehend all the persons having such goods in their possession; and if they do not give a satisfactory account of how they became possessed of such goods, they are to be adjudged to have stolen them, and for the first offence are to forfeit and pay treble the value to the owner thereof, and in default of payment be committed to gaol for three months. For a second offence the committal is to be for six months, and a third offence entails the penalty of transportation for seven years. The punishment in this case is much less severe than that awarded against sheepstealers by the preceding Act, but was probably not on that account less effective. In both cases the owners are of necessity compelled to leave their property much exposed, one in the open

[r] Ante, the 5th George I. cap. 28, p. 8.

field, the other in the bleach-ground; and therefore some special protection may have been required for guarding it from depredation.

1744. 17 George II., cap. 3.

The 17*th George* 2*nd, cap.* 3, is entitled, 'An Act to oblige Overseers to give Public Notice of Rates made for the Relief of the Poor, and to produce the same.' It declares in the recital, that great inconveniences often arise through the unlimited power of churchwardens and overseers of the poor, who often for private ends make rates in a secret and clandestine manner, contrary to the true intent of the statute of Elizabeth. For remedy whereof it is enacted, that notice shall be given publicly in the church, of every rate allowed by the justices for the relief of the poor, the Sunday next after such allowance, without which notice no rate is to be deemed valid. And it is further provided, that every inhabitant shall be permitted to inspect such rate "at all seasonable times, paying one shilling for the same," and may obtain a copy of the whole, or any part thereof, "paying at the rate of sixpence for every twenty-four names." And if any churchwarden, overseer, or other authorized person, shall not permit a parishioner to inspect the rates, or shall refuse or neglect to give copies thereof, they are to forfeit and pay to the party aggrieved the sum of twenty pounds. This is a highly important statute, as regards the making and levying the poor-rate. By securing publicity, it provides the best safeguard against abusive or partial assessments, and the want of such a guard had evidently been felt by the ratepayers. But something more was still necessary, for preventing an improper disbursement of the money raised, and here also we find publicity resorted to as a means of protection.

The overseers to give public notice of making a rate, and the rate-book to be open to inspection.

1744. 17 George II., cap. 33.

The 17*th George* 2*nd, cap.* 38, recites, that "by reason of some defects in the 43*rd Elizabeth, cap.* 2, the money raised for the relief of the poor is

liable to be misapplied, and there is often great difficulty and delay in raising of the same." For remedy whereof it is enacted, that the churchwardens and overseers shall yearly, within fourteen days after quitting office, deliver to their successors a true and perfect account, fairly entered in a book to be kept for the purpose, of all sums of money by them received, or rated and assessed and not received; and of all goods, chattels, stock, and materials in their hands, and of all moneys disbursed by them, and of all other things concerning their said office; and they are also to deliver over to their successors the moneys, goods, and other things which may be in their hands. And in case the churchwardens and overseers shall refuse or neglect so to make and deliver such account, or shall refuse or neglect to deliver over to their successors the moneys, goods, and other things in their hands, the justices are empowered to commit them to gaol, until they deliver such account, or have paid and delivered the money, goods, and other things as herein is directed. The account is to be signed and attested on oath by the churchwardens and overseers, and the ratepayers are to be permitted at all seasonable times to inspect the same on payment of sixpence, and to obtain copies of the whole, or any part thereof, on paying sixpence for every hundred words, and so in proportion for any greater or less number. If any one shall feel aggrieved by any rate or assessment, or shall object to any person's being put on or left out of the rate, or to the sum charged on any person therein, or shall feel aggrieved by anything done or omitted to be done by the churchwardens and overseers, or by any justice of peace, such person, on giving reasonable notice, may appeal to the next quarter sessions, which is empowered to receive and finally determine the same. Succeeding overseers are empowered to levy arrears of rate, and the goods

Overseers, on quitting office, to deliver to their successors a perfect account of the money received and disbursed, &c.

of persons assessed, and refusing to pay, may be distrained for the amount.

Overseers are, moreover, by this Act protected against vexatious actions, on account of want of form, or irregularity of procedure. And as persons frequently remove out of parishes without paying the rates assessed on them, and other persons enter and occupy the premises during part of the year, "by reason whereof great sums are annually lost to such parishes,"—it is now enacted, that the person coming into occupation shall be liable to pay the rate that was due by his predecessor when he quitted the premises. And parish officers refusing or neglecting to obey the Act are, on proof thereof before two justices of peace, to forfeit not less than twenty shillings, nor more than five pounds, to the poor of the parish.

A person entering on occupation is liable for whatever rate may be due.

The rateable value, or the amount at which property is rated, should obviously be open to revision whenever a change takes place, whether arising from improvement, deterioration, or any other cause affecting its actual value; and *The 17th George 2nd, cap.* 37, was passed for preventing disputes with regard to the rating, &c., of "improved wastes, and drained and improved marsh-lands." It recites that "in divers counties great quantities of waste and barren lands, and lands which were formerly fen or marsh ground, or covered with water, have been of late years improved or drained, and are now of very considerable value, and the inhabitants and occupiers thereof ought to pay a proportionable part of the rates for the relief of the poor, in like manner as other inhabitants and occupiers, and likewise to bear and pay a proportionable part of all other parochial rates: but great difficulties frequently arise in determining to what parish such lands belong or ought to be rated,"—wherefore it is enacted, that the occupiers of all such improved lands, &c., shall be rated to

1744. 17 George II., cap. 37.

Rating of reclaimed and improved lands, &c.

the relief of the poor and other parochial charges, within the parish which lies nearest to such lands, &c., and in the same way as any other description of property is rated. And if any dispute or difference should arise therein, it is to be determined on appeal, by the persons interested, at the next general quarter sessions of the peace. We here see evidence that great improvements had been effected, and were in progress, in the drainage and reclamation of waste and barren lands, sure proofs of increasing wealth and population, and of the growing prosperity of the country.

1744. 17 George II., cap. 5. The Vagrant Act.

The 17*th George* 2*nd*, *cap.* 5, is entitled 'An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons.' This is the well-known Vagrant Act, which has substantially remained in force to the present day, although not without receiving considerable modifications. The subject had been previously twice legislated upon in the present reign, first by *The* 10*th George* 2*nd*, *cap.* 28, and next by *The* 13*th George* 2*nd*, *cap.* 24, each of these Acts being, however, based upon the statute of the 13*th of Anne*, *cap.* 26.[a] The present Act takes a closer and at the same time a more comprehensive view of the question, than was done in any preceding statute, although it begins as usual by reciting that "the number of rogues, vagabonds, beggars, and other idle and disorderly persons daily increases, to the great scandal, loss, and annoyance of the kingdom." It then divides the several offenders into three separate classes, the *disorderly*, the *rogues and vagabonds*, and the *incorrigible rogues*, assigning specific punishments to each.

The *first* class comprises—all persons who threaten to run away, and leave their wives or children to the parish; all persons who unlawfully return to a parish,

[a] Vol. i. p. 401. This is the 12th of Anne, statute 2, cap. 23, in the common octavo edition of the Statutes.

from whence they have been legally removed; all persons who, not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual wages; all persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms—persons so offending, are to be deemed *idle and disorderly*, and may be committed by a justice of peace to hard labour in the house of correction, for any time not exceeding one month. Any person may apprehend such offenders and carry them before the justice, and thereby be entitled to a reward of 5*s.*; and if an offender shall resist, or escape from the person so apprehending him, he is to be subjected to the higher punishment of a rogue and vagabond.

The *second* class comprises—all persons who run away, and leave their wives or children chargeable to the parish; all persons going about as patent gatherers, or gatherers of alms, under pretences of loss by fire or other casualty, or as collectors for prisons, gaols, or hospitals; all fencers and bearwards; all minstrels and jugglers; all common players of interludes, and persons who for hire or reward act or perform, or cause to be acted or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, not being authorised by law; all persons pretending to be gipsies, or wandering in the habit or form of Egyptians, or pretending to have skill in physiognomy, palmistry, or like crafty science, or pretending to tell fortunes, or using any subtle craft to deceive and impose, or playing or betting at any unlawful games or plays; all petty chapmen and pedlers, wandering abroad, not being duly licensed; all persons wandering abroad and lodging in alehouses, barns, outhouses, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or

pretending to go to work in harvest; and all other persons wandering abroad and begging—persons so offending, are to be deemed *rogues and vagabonds.*

The *third* class comprises—all persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice, or to be examined on oath, or refusing to be conveyed by a pass as herein directed, or giving a false account of themselves; and all rogues and vagabonds who shall break or escape out of any house of correction; and all persons who, after being punished as rogues and vagabonds and discharged, shall again commit any of the said offences—all such are to be deemed *incorrigible rogues.*

Any person apprehending a rogue and vagabond, or an incorrigible rogue, and carrying him before a justice, will thereby be entitled to a reward of 10*s.*, and the justice is required to examine the offender as to his circumstances and place of settlement, and make a written record of such examination, and transmit the same to the next quarter-sessions to be there filed. The justice is likewise empowered to order any such offender to be publicly whipped, or to be sent to the house of correction until the next general quarter-sessions, or for any less time, and, after such whipping or confinement, to pass such offender to his place of settlement in the form prescribed. If the offender be committed until the next general quarter-sessions, and if the justices there assembled adjudge him to be a rogue and vagabond, or an incorrigible rogue, they may order the former to be kept at hard labour for any further time not exceeding six months, and the latter for any further time not exceeding two years nor less than six months, with such whipping as they in their discretion think fit, and afterwards pass him to his place of settlement. If any incorrigible rogue break prison, or make his

Apprehension of rogues and vagabonds.

escape before the time limited, or if he again commit a like offence, he is to be deemed guilty of felony, and may be transported for seven years.

Privy search for rogues and vagabonds.

The justices are, moreover, empowered, once a quarter, or as often as need be, to direct a general privy search in one night, throughout their several divisions, for finding and apprehending rogues and vagabonds; and every justice may, on information of rogues and vagabonds being within his jurisdiction, issue his warrant for their apprehension. The justices are likewise empowered to regulate the passing of rogues, vagabonds, and incorrigible rogues, and to direct how they are to be conveyed, whether "by horse, cart, or on foot," and what is to be allowed for the same; and if, on searching a vagrant, it be found that he has money or effects wherewith to pay the whole or any part of the charge for apprehending and passing him to his place of settlement, the justice is to order the same to be applied accordingly. Justices may also direct masters of ships bound to Ireland, or to the Channel Islands, to take on board and convey thither any vagrants belonging to these places, and the master refusing or neglecting so to do, is liable to a penalty of 5*l.*

Rogues and vagabonds when apprehended to be kept at work.

The 19*th section* likewise provides, that "the parish or place to which any rogue, vagabond, or incorrigible rogue is passed, shall take care to employ in work, or place in some workhouse or almshouse, the persons so conveyed to them, until they betake themselves to some service or other employment. And in case they refuse to work, or shall not betake themselves to some service or other employment, the overseers may cause such persons to be carried before some justice of the peace, in order to be sent to the house of correction, there to be kept to hard labour." If the place of settlement of any of these offenders cannot be ascertained, so that he may be

passed thither, the justices are to order him to be detained and employed in the house of correction until he can provide for himself, or can be placed out in some lawful calling as a servant, apprentice, soldier, mariner, or otherwise, either at home or in the colonies, which the justices in sessions are empowered to do, in such manner as they may think fit.

Lunatic and insane persons to be secured.

The justices are also empowered, by the 20*th section*, to direct constables, churchwardens, and overseers of the poor, to apprehend lunatic and insane persons, and cause them to be locked up in some secure place, and if the justices deem it necessary, to be there chained; and the charges of removing, keeping, maintaining, and curing any such lunatic or insane person during such restraint, are to be defrayed (under an order of two justices) out of any property belonging to such person, and if he has no means or effects, then by the parish to which he belongs.

Harbouring of rogues and vagabonds prohibited.

"And whereas persons, hereinbefore described to be rogues, vagabonds, or incorrigible rogues, are much encouraged in wandering about by the reception they too often meet with in villages and places where they are permitted to lodge in houses, barns, and other buildings, by means whereof, and their falling sick there, great expenses are sometimes brought upon parishes"—the 23*rd section* for remedy thereof enacts, that any person who permits such an offender to lodge or take shelter in his house or outbuildings, and does not apprehend and carry him before a justice of peace, or give notice to some constable so to do, shall forfeit a sum not exceeding 40*s.*, nor less than 10*s.*, one half to the informer, the other half to the poor of the parish.

Children of rogues and vagabonds to be apprenticed or put to service.

The 24*th section* recites, that "it was often found that persons offending against the Act had children with them, whom they bring up in a dissolute course of life, destructive to such children and

prejudicial to the kingdom, in which a race of disorderly persons will increase if such children are suffered to remain with such offenders"—and it therefore enacted, that where any such child is above the age of seven years, the justices in quarter-sessions may order such child to be placed out as a servant or apprentice to any person willing to take it, until the child shall arrive at the age of twenty-one, or for any less term, as to the justices may seem meet. "And whereas women wandering and begging are often delivered of children in places to which they do not belong, whereby they become chargeable to the same," the 25*th section* provides, that in every such case the churchwardens and overseers may detain such woman until they can safely convey her before some justice to be examined and committed to the house of correction, until the next general quarter-sessions, when the justices there assembled "may, if they see convenient, order her to be publicly whipped and detained in the house of correction for any further time not exceeding six months;" and the child, if a bastard, is not to be deemed settled in the place where it was so born, but in the place of the mother's settlement, to which it may be passed under the provisions of the present Act.

The mother may be whipped or imprisoned.

It is obvious how much the efficient working of this Act must depend upon the existence of a well-managed jail, or house of correction, without which the Act would be in great measure nugatory. The justices in quarter sessions are accordingly empowered by the 30*th section*, on its being presented by the grand jury that the houses of correction are insufficient either in number or extent of accommodation, to build, provide, or enlarge such houses as may be deemed necessary, and to raise the money required for the purpose, and to visit and regulate the same. These provisions, combined with the

Justices empowered to provide houses of correction.

other powers which the Act confers upon justices to search for, arrest, whip, pass, and convict offenders, give them a large discretion in dealing with the vagrant classes, whom they are empowered to judge and punish according to the several degrees of culpability in each case.

The evil of vagrancy and vagabondism must be presumed to have been extremely burthensome, to call for such repeated enactments for its repression, within the short period of thirty years. The 13*th of Anne, cap.* 26, was passed in 1714, and comprised the substance of all the previous laws on the subject, together with whatever additions were then considered necessary, the whole systematically arranged, and seeming to leave no room for further legislation. Yet the present Act is the third which has been since passed, enlarging and still further methodising the law for the suppression of this social evil, the difficulty of dealing with which is evidenced, not alone by these repeated enactments, but also by the larger discretionary powers confided to the justices. Such powers must have been deemed necessary for mastering the evil, or they would not have been given; and although they may in some instances have been injudiciously or oppressively exercised, there is reason to believe that they were on the whole beneficial, and helped to reduce the vagrant classes within limits not incompatible with the advance of civilisation, and the growing prosperity of the country.

Dr. Burn, in his 'History of the Poor Laws,' published in 1764, gives a striking summary of the series of enactments for punishing vagrancy, from the earliest period down to the passing of the present Act, and which he declares to be worthy of the savages of America —"almost all severities having been practised against vagrants, except scalping;" but none of which, he says, wrought the desired effect. And he subsequently with great force and truth adds, "The prevention of poverty,

idleness, and a loose and disorderly education, even of poor children, would do more good to this kingdom, than all the gibbets, and cauterizations, and whipping-posts, and gaols in the kingdom; and would render these kinds of discipline less necessary and less frequent." [t]

In proof that the spirit of enterprise was not extinguished by the political difficulties and social disturbances of the year 1745, it may be remarked, that 1745. 18 George II., cap. 17. *The* 18*th George* 2*nd*, *cap.* 17, was then passed, offering a reward for the discovery of a north-west passage through Hudson's Straits to the Western American Ocean, which it is declared will be of great benefit and advantage to the trade of this kingdom. The sum of twenty thousand pounds was assigned to the owners of any vessel that shall first find out and sail through such passage, and commissioners were appointed to ascertain and award the same. This Act is especially interesting with reference to what has since taken place. The passage has now been actually discovered—Captain M'Clure, of H.M.S. Investigator, after being locked up for three successive winters in the ice, encountering great dangers, and being at last compelled to abandon his vessel, having passed from the Pacific to the Atlantic by way of Behring's Straits and Baffin's Bay. Great hardihood and courage have been exhibited, and valuable lives have been sacrificed, and much hardship and privation endured, in the efforts to discover this passage. These efforts have been made less with a view of "benefit and advantage to trade," than for the purposes of scientific research, in the hope of solving a geographical problem beset with peculiar difficulties, and at the same time one of considerable interest and importance.

In the following year *The* 19*th George* 2*nd*, *cap.* 21, 1746. 19 George II., cap. 21. was passed, for more effectually preventing profane cursing and swearing. It recites,

[t] Dr. Burn's 'History of the Poor Laws,' pp. 120 and 131.

that "the horrid, impious, and execrable vices of profane cursing and swearing, so highly displeasing to Almighty God and loathsome and offensive to every Christian," are becoming so common as to justly provoke the divine vengeance. The laws in being having failed to prevent these crimes, are repealed,[u] and it is now enacted, that if any person shall profanely curse or swear, and be thereof convicted before a justice of peace on the oath of one or more witnesses, the person so offending, if a day-labourer, soldier, or sailor, shall forfeit one shilling; if under the degree of gentleman, two shillings; and if above that degree five shillings. For a second offence the forfeit is to be double, and for a third and every other offence treble the above sums. Justices are empowered to inflict these fines on persons offending in their presence, or within their hearing; and all constables, tithingmen, and peace officers are required to seize and secure any such offender, if unknown, and carry him before a justice; and if known, to make information before a justice, in order that the offender may be punished. If a justice fails in fulfilling his duty under this Act, he is to forfeit five pounds, and a constable or other officer so failing is to forfeit forty shillings, one half to the informer and the other half to the poor of the parish.

This Act goes considerably beyond that of the 21*st James* 1*st*, *cap.* 20.[v] Not only are justices and peace officers subjected to penalties if they fail in duly punishing offenders, but in order to secure a strict and impartial execution of the law, the offenders are divided into classes, on each of which a distinctive fine is imposed, an offender in the rank of a gentleman forfeiting five shillings, where a person of inferior position would forfeit two, and a day-labourer, or common soldier or sailor, would forfeit one. We may gather from this, as indeed we learn from other sources, that swearing

[u] Namely, the 21st James I. cap. 20; and the 6th and 7th William III. cap. 11.

[v] Ante, vol. i. p. 244.

was not confined to the lower orders of the people, but prevailed also among the higher; and the Act is accordingly framed to bear pretty equally upon each. It could hardly fail of checking, in some degree, the prevalent profanation; but the most certain corrective would be found in a better education, and in the spread of sound religion.

The 20th George 2nd, cap. 19, was passed "for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices." The laws in being are declared insufficient and defective, and it is then directed that all differences between masters or mistresses, and servants in husbandry hired for one year or longer, or between masters and mistresses and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for a certain time, shall be heard and determined by one or more justices of the county or place where such masters or mistresses reside. The justice is empowered to take, upon oath, the complaint of a master touching the misconduct of any servant, &c., and to examine into and adjudge the same, and to punish the offender by commitment to the house of correction, "or otherwise abating some part of his or her wages." And the justice is likewise empowered to take, upon oath, the complaint of any servant, &c., and to summon the master, inquire into the matter of complaint, and determine accordingly, "although no rate or assessment of wages has been made that year by the justices of the shire, &c., where such complaint shall be made."

1747. 20 George II., cap. 19.

Justices empowered to decide between masters, servants, and apprentices.

With respect to apprentices, put out by the parish or otherwise, "upon whose binding out no larger sum than 5*l.* was paid," two or more justices of the county or division are empowered, on complaint by any such apprentice "touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-

treatment," to summon the master or mistress, and examine into the matter of complaint, and upon proof thereof to their satisfaction, to discharge such apprentice by warrant under their hands. The justices are likewise empowered, on complaint made upon oath by any master or mistress, "touching or concerning any misdemeanour, miscarriage, or ill-behaviour" on the part of their apprentice, "to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice in manner before-mentioned.

The justices of peace are now, therefore, not only empowered to fix and determine the rates of wages in the several occupations throughout England, but they are also empowered to judge and determine whatever differences may arise between the employers and the employed, either with respect to wages, or any other cause of complaint, real or imaginary, on one side or the other. The last occasion on which the power of limiting wages appears to have been exercised, was a little more than twenty years previous to the passing of the present Act, when the justices of the county palatine of Lancaster, "upon conference with discreet and grave men of the said county," on the 22nd of May, 1725, established the following as a maximum scale :[x]—

	Without Meat and Drink.			With Meat and Drink.		
	£.	s.	d.	£.	s.	d.
A bailiff in husbandry or chief hind, by the year, not above	..			6	0	0
The best millers ,,	10	0	0	5	0	0
A chief servant in husbandry that can mow or sow, and do other husbandry well . . . ,,	..			5	0	0
A common servant in husbandry of 24 and upwards ,,	..			4	0	0
A man-servant from 20 to 24 years of age . ,,	..			3	10	0
A ditto from 16 to 20 ditto ,,	..			2	10	0

[x] See Sir F. Eden's 'State of the Poor,' vol. iii. p. 106.

		Without Meat and Drink.			With Meat and Drink.		
		£.	s.	d.	£.	s.	d.
The best woman-servant, being a cook, or able to take charge of a household	not above		..		2	10	0
A chambermaid, dairymaid, and washmaid, or other mean servant	,,		..		2	0	0
A woman-servant under 16 years of age	,,		..		1	10	0
Labourers by the Day.							
The best husbandry labourer, from the midst of March to the midst of September		0	1	0	0	0	6
An ordinary sort of husbandry labourer, ditto		0	0	10	0	0	5
The best husbandry labourer, from the midst of September to the midst of March	not above	0	0	10	0	0	5
The ordinary sort of ditto	,,	0	0	9	0	0	4
Man haymaker	,,	0	0	10	0	0	6
Woman haymaker	,,	0	0	7	0	0	3
A mower of hay	,,	0	1	3	0	0	9
Man shearer	,,	0	1	0	0	0	6
Woman shearer	,,	0	0	10	0	0	6
Hedgers, ditchers, palers, and thrashers	,,	0	0	10	0	0	6
Masons, carpenters, joiners, plumbers, tilers, slaters, coopers, and turners, who are not master workmen	,,	0	1	0	0	0	6
The master workman who has others working under him	,,	0	1	2			
Bricklayers, plasterers, white-limers	,,	0	1	0	0	0	6
A master bricklayer who has others working under his direction	,,	0	1	2			
A pair of sawyers, by the day	,,	0	2	0	0	1	0
A master tailor	,,	0	1	0	0	0	6
A journeyman tailor and apprentice	,,	0	0	10	0	0	5
Work in Great.							
For an acre of oats, 7 yards to the rood	,,	0	5	0			
For an acre of barley ditto	,,	0	6	0			
For an acre of wheat ditto	,,	0	7	0			
Thrashing, winnowing, or fanning a quarter of oats	,,	0	1	0			
Ditto barley, beans, and peas	,,	0	1	6			
Ditto wheat and rye	,,	0	2	0			
Wheelwrights.							
Sawing a rood of boards, 22 feet to the rood	,,	0	8	0			
Hewing a gang of fellies	,,	0	1	0			
Making a plough	,,	0	2	0			
Brickmakers.							
For casting the clay, moulding it according to the statute, making the kiln and burning it, having straw and other necessaries laid by, for every thousand of six score to the hundred	,,	0	3	0			
Hedgers and Ditchers.							
For a new ditch out of the whole ground, 4 feet wide, 3 feet deep, 18 inches in the bottom, double set with quicks, and setting a hedge upon it, after the rate of 8 yards to the rood, and gathering sets for the same		0	1	0			

	With Meat and Drink.			Without Meat and Drink.		
	£.	s.	d.	£.	s.	d.
For making a rood of ditch of like breadth and depth, without quicks	0	0	10			
For making a rood of a usual hedge, the stuff laid by	0	0	3			
Colliers.						
Miners in high delfe (a standing delfe), for 24 baskets (a tunn)	0	1	0			
Miners in low delfe (a sitting delfe), for 24 baskets	0	1	3			
Paviours.						
For paving every square yard, having the usual foundation made, and the materials laid by	0	0	1			

The above order shows the minute precision with which the justices exercised the powers conferred upon them for regulating the rates of wages, and the remuneration of labour; and the scale therein prescribed affords a means of comparison with what is usually paid on like occasions in the present day. In 1725 the price of wheat in Windsor market, according to the Eton Tables, was 43*s.* 1¼*d.* a quarter, Winchester measure. At the time I now write (1853) the Mark Lane price of wheat is 44*s.* the quarter, scarcely differing from what it was a century and a quarter ago, whilst wages have at least doubled since then, and the price of clothing has fallen at least one half. There can therefore be no doubt that a far greater portion of the comforts and conveniences of life are now attainable by the working classes than could be obtained by them at the previous period, and their general condition must necessarily be so far improved.

The penalties against the combination of workmen in certain trades, imposed by several previous statutes, including the 12*th George* 1*st*, *cap.* 34,[y] together with the other provisions of those Acts, are now extended by *The* 22*nd George* 2*nd*, *cap.* 27, to all journeymen and other persons employed in hat-making, or in the manufacture of silk, mohair,

Against combinations of workmen. 1749. 22 George II., cap. 27.

[y] Ante, p. 20.

fur, hemp, flax, cotton, iron, leather, or wool—in short all combinations of workmen whatever are prohibited. Such a prohibition can only be justified, on the ground of its being necessary for the protection of life and property, or for the preservation of the public peace; but no such cause of justification was adduced on the present or on the previous occasions, and this absolute prohibition of all combinations must therefore be held to have been opposed to justice and sound policy.

Shortly after the above, *The 22nd George 2nd, cap.* 44, was passed, enabling officers, mariners, and soldiers to exercise trades, "many of whom, the wars being now ended," would, it is said, willingly employ themselves in trades, but are hindered from so doing by *the statute of Elizabeth*, "and because of certain by-laws and customs in certain places." It is therefore enacted, that all officers, mariners, and soldiers who have been employed in his Majesty's service since his accession, and have not since deserted, may set up and exercise such trades as they are apt and able for, in any place within the kingdom, without let or molestation. This Act is nearly a repetition of the *12th Charles 2nd, cap.* 16,[z] differing only according to the different circumstances of the two periods. In both cases the Acts must have been beneficial, by helping to change the sword into the ploughshare, and enabling individuals, no longer required for the purposes of war, to become associated with the productive classes in the operations of peace. The Acts must have been beneficial also in over-ruling, although only to this limited extent, the narrow and exclusive by-laws, customs, and privileges claimed and enforced by the operatives in many trades, impeding improvement, enhancing price, and restricting the free exercise of industrial art—some of which restrictions, it is greatly to be lamented, remain even to the present day.

1749. 22 George II., cap. 44.

[z] Ante, vol. i. p. 289.

The year 1751 is chiefly remarkable for the correction of the calendar, by *The 24th George 2nd, cap.* 23. The Act recites, that "the legal supputation, according to which the year beginneth on the 25th of March, differs from the usage of neighbouring nations, and hath been found attended with divers inconveniences;" and it therefore directs that the 1st of January next following shall be the first day of the year 1752, and that each succeeding new year shall commence on the first of January next preceding the 25th of March; and that the day immediately following the 2nd of September, 1752, shall be accounted the 14th of September, "omitting for that time only the eleven intermediate nominal days of the common calendar." This was a change that had long been desired by all intelligent persons; but it was unpopular at that time, and long continued to be so with a large portion of the community, who regarded the change as a species of sacrilege.

1751. 24 George II., cap. 23.

Change of style.

The 25th George 2nd, cap. 37, recites, that "the horrid crime of murder has of late been more frequently perpetrated than formerly, and particularly in and near the metropolis, contrary to the known humanity and natural genius of the British nation; and that it has therefore become necessary that some further terror and peculiar mark of infamy be added to the punishment of death, now by law inflicted on such as shall be guilty of the said heinous offence." It is accordingly enacted, that persons found guilty of wilful murder shall be executed the day next but one after sentence is passed, and that the body shall then be given for dissection, unless the judge should appoint it to be hung in chains; but in no case whatever is the body of a murderer to be buried without being first dissected or anatomised. The prompt execution of the criminal, followed by hanging in chains or dissection, was no doubt calculated to strike terror into persons so brutalised and hardened, as to be insensible to the dread

1752. 25 George II., cap. 37.

and horror of murder which nature has implanted in the human heart as a protection for human life.

Street robberies and defective police.

The metropolis appears to have been at this time, and for some years previous, without the protection of an efficient police, and life and property were consequently insecure. In 1728 the audacity of the street robbers got to such a height, that they formed a design to rob the queen in St. Paul's Churchyard, as she returned from supping in the City; and the design would probably have been executed, but that they were engaged in robbing one of the aldermen (Sir Gilbert Heathcote) when the queen's carriage passed. It was not until 1736, that the City was lighted with glass lamps throughout the year; and in 1744 the lord mayor and aldermen, in an address to the king, represent, "that divers confederacies of great numbers of evil-disposed persons, armed with bludgeons, pistols, cutlasses, and other dangerous weapons, infest not only the private lanes and passages, but likewise the public streets and places of usual concourse, and commit most daring outrages upon persons whose affairs oblige them to pass through the streets, by terrifying, robbing, and wounding them; and these acts are frequently perpetrated at such times as were heretofore deemed hours of security." It is further stated, that some of the officers of justice have been shot at, some wounded, and others murdered, in endeavouring to discover and apprehend the said culprits, by which means they are intimidated from executing their duty. This was certainly a most unsatisfactory state of things, and its existence in the metropolis was alike disgraceful and injurious.

1758. 31 George II., cap. 11.

The law of settlement again required amendment, and *The* 31*st George* 2*nd*, *cap.* 11, was now passed for that purpose. It recites the *7th section of the* 3*rd William and Mary*, *cap.* 11,[a] which

[a] Ante, vol. i. p. 341.

declares an apprentice, bound by indenture and inhabiting in a parish, to be settled therein. The Act then recites, that, in consequence of that law, "great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, *not indented*, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such parish where they have been so bound and resided forty days, and have been removed to the parish where their last legal settlement was before such apprenticeship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood." It is therefore enacted, that no person who has been, or who shall hereafter be, bound an apprentice by any deed, writing, or contract, shall be liable to be removed from the parish where he has been so bound and been resident forty days, on account of such deed not being indented.

We see in this provision another instance of the antagonism introduced by the law of settlement. Each parish seeks to relieve itself by apprenticing out its children, or casting out its superfluous or useless members upon some other parish, which again endeavours to rid itself of the burthen by resorting to chicanery, and taking advantage of every loophole afforded by the law, or which its astute practitioners can make or devise. An endless series of litigations are thus kept up, enkindling jealousy and ill-feeling, augmenting expenditure, and increasing the evils of pauperism. This applies to parishes in the aggregate; and with respect to the working-classes, the recital of the Act furnishes a conclusive argument against settlement as affecting them, by declaring that many of them, when removed back to the place of their legal settlement, had there "no encouragement to exercise their trades, nor opportunity to gain a livelihood"—that they were, in short, by such removal, forced into a state of pauperism and dependence, instead of being permitted to earn their

living by their own industry, in the place best suited for such purpose.

On the assembling of parliament at the end of 1757, three Acts were passed (*The 30th George 2nd, caps.* 1, 7, *and* 9) prohibiting the exportation of corn and flour, and permitting their importation free of duty. From 1741 to 1756 the seasons had been favourable, and the harvests abundant, and, under the stimulus of a bounty, the exportation of corn had been throughout the period very considerable—so that when, in 1756, a deficient harvest occurred, the scarcity was immediately felt, and tumults broke out in many places, popular clamour being everywhere directed against the engrossers, who, it was asserted, by hoarding up great quantities of grain, had created an artificial scarcity, and deprived their fellow-creatures of bread, with a view to their own private advantage. The price of bread and of provisions generally rose very high, and there was much suffering among the people. Before the harvest of 1756 had been ascertained to be materially deficient, the price of wheat in Mark Lane rose from 22*s.* to 26*s.* a quarter. In January 1757 the price rose to 49*s.* and 50*s.*; in February, to 47*s.* and 51*s.*; in March, to 46*s.* and 54*s.*; in April, to 64*s.*; the same in May; and in June, to 67*s.* and 72*s.*[b] The harvest of 1757, although somewhat deficient, was less so than the one preceding, and the six following years were highly productive. In 1759 all sorts of grain continued to fall in price, and great plenty is described as existing in every part of the kingdom; and in this year, by *The 32nd George 2nd, cap.* 8, the exportation of corn is again freely permitted.

1757. 30 George II., caps. 1, 7, and 9.

1756. A deficient harvest.

The average price of wheat during the seventeenth century is given by Arthur Young at 38*s.* 2*d.* a quarter, and for the sixty-six following years at 32*s.* 1*d.*, being a fall of 16 per cent.; whilst,

Prices of wheat and rates of wages.

[b] See Tooke on Prices, vol. i. pp. 48 and 55.

according to the same authority, the wages of agricultural labourers, which on the average of the seventeenth century had been 10¼*d.* a day, were for the following sixty-six years a shilling, being a rise of 16 per cent. Within these periods, therefore, a rise in the rate of wages appears to have taken place coincidently with a fall in the price of corn;[c] and the comparison of prices adduced and commented on by Mr. Malthus, in his chapter on the corn wages of labour, seems to warrant the conclusion that a labourer, during the latter half of the seventeenth century, would be able to purchase with his day's earnings three-quarters of a peck of wheat, whilst, during the first half of the eighteenth century, wages having risen and corn fallen, the labourer would be able to purchase a whole peck.[d] There can be no doubt that a considerable portion of these increased earnings, would be applied to procuring an increase of comforts and conveniences, and in establishing a generally higher standard of living; and with this elevation in the people's physical condition, we may feel assured there would be a corresponding improvement morally and socially. If better clothed, better fed, and better housed, they would also be better conducted, they would have more to lose and less to gain by violence and disorder, and would be therefore less prone to resort to either—they would, in short, be elevated socially as well as physically.

George the Second died suddenly and without any previous illness, on the 25th of October, 1760, in his 77th year. His eldest son Frederick, Prince of Wales, had died ten years before, leaving a son, who now, as George the Third, succeeded to the throne.

1760. Death of George II.

[c] See Tooke on Prices, vol. i. pp. 48 and 55.

[d] See Malthus's 'Principles of Political Economy,' pp. 240 and 252, 2nd edition.

CHAPTER XI.

Summary at the close of George II.'s reign — Accession of George III. — Schemes for Poor-Law reform — Registration of infants — Sir Jonas Hanway's Act — Fraudulent payments to the poor — Hospital for penitent prostitutes — The Marine Society — Lying-in hospitals — Plan for parochial annuities — Regulation of wages and labour — Scarcity — Import and export of corn — Repeal of laws against "forestallers," &c. — American war — War with France and Spain — Expenses of the war — National debt — Population — Road, enclosure, and canal bills — Poor-rates — The steam-engine — Debates in parliament first published — Labourers' cottages — Parish apprenticeship — Gilbert's Act and incorporation of parishes — Gipsies — Discharged soldiers and sailors — Poor-law revenue and expenditure — Charitable donations.

BEFORE entering on the reign of George the Third, it will be well to take a brief survey of the position at which we have arrived, both as regards the condition of the country generally, and with respect to the more immediate object of our inquiry. The late king was a lover of peace, which had been maintained from the Treaty of Seville in 1729, shortly after his accession, until 1739, when the injuries inflicted on British commerce by Spain led to a war with that country, in which, as already stated, France afterwards took part.[a] That war was terminated by the Treaty of Aix-la-Chapelle in 1748, and peace prevailed until 1756, when war with France was again declared; but although only then openly declared, the colonial possessions of the two countries in America and in the East, had in fact been carrying on hostilities for three years previously. The war continued throughout the remainder of George the Second's reign, Austria uniting

George III. 1760–1820.

[a] See ante, p. 30.

with France, and Prussia being the ally of England. In our colonies, the war was eminently successful. Quebec was captured and Canada conquered in 1759, and the French power in North America was nearly annihilated; whilst in India, Clive's victory of Plassy (23rd June, 1757) was followed by the acquisition of the province of Bengal, and by the establishment of English ascendancy throughout the East.

The extension of our colonies naturally led to an increase of commerce, and the official value of our exports, which on an average of the three years 1726, 1727, and 1728, amounted to 7,891,739*l.*, in 1748 was 11,141,202*l.*, and in 1760 was 14,693,270*l.*,[b] being thus nearly doubled in the course of the present reign, a proof of the great advance in wealth and industry within that period. There can be no doubt that the increase of population kept pace with the advance of the country in other respects. At the end of Anne's reign in 1714, without pretending to exactitude, we have estimated the population at five millions and three-quarters.[c] In 1801 the first census was taken, by which the population of England and Wales, including the army and navy, was then ascertained to amount to 9,172,980. At the close of the reign of George the Second we may therefore, I think, venture to set it down at seven millions, although, in Mr. Finlaison's table before referred to, the population in 1760 is put at only 6,479,730.[d]

Increase of trade.

Increase of population.

The amount of expenditure for relief of the poor partakes of the same uncertainty as the amount of the population. In 1714, at the close of the reign of Queen Anne, I have estimated the poor-rates at 950,000*l.*,[e] and the complaints of its continual increase were almost incessant throughout the two following reigns. But

[b] See 'Pictorial History of England,' book ix. p. 719, quoting from Chalmers.
[c] See ante, vol i. p. 404.
[d] See ante, vol. i. p. 375.
[e] See ante, vol. i. p. 406.

no definite information on the subject was obtained until 1776, when an Act was passed directing the overseers of every parish to make a return of the amount assessed and disbursed for relief of the poor, and other purposes, by which it appeared that the total amount levied in that year, in England and Wales, was 1,720,317*l.*, of which 189,517*l.* went in payment of county-rates, leaving 1,530,800*l.* for the relief of the poor,[f] and "litigations about settlements, removals, appeals, or other disputes," the amount of this latter item being 35,072*l.* 0*s.* 8*d.*[g] It may therefore be assumed that in 1760 the total charge for relief of the poor would fall little short of a million and a quarter.

1760. Amount of the poor-rates.

Various plans for remedying the evil, and preventing the growth of the charge for relief of the poor, were propounded about this time, several of which are described by Sir Frederic Eden, the chief of them being by Mr. Hay in 1735, by Mr. Alcock in 1752, by the Earl of Hillsborough and the celebrated Henry Fielding in 1753, and by Mr. Bailey in 1758. It is unnecessary to go into a detail of these various schemes, which were all mainly founded upon an increase in the number of workhouses, and on the employment of the inmates with a view to profit. None of these schemes were carried into effect, and they are chiefly deserving of notice, as showing the alarms and dissatisfaction which then prevailed with respect to the general operation of the law, and especially as regards settlement, the injurious consequences of which to the ratepayers and the working classes, as well as to the poor themselves, are strongly insisted upon by some of the writers. In 1759 a Committee of the House of Commons was appointed to investigate

Schemes for reforming the poor-law administration.

[f] See statement of 'Local Taxation,' printed by order of the House of Commons in 1839.

[g] See Sir F. Eden's 'State of the Poor,' vol. i. p. 364.

the subject, and a report which it made contains many judicious observations; but nothing further was done, and the question of the Poor Laws remained as before, excepting only that these various movements served to keep public attention more closely fixed upon the subject, than might otherwise perhaps have been the case.

With the increase of employment manifested by the increase shown to have taken place in exports, and the larger amount of the necessaries of life shown to be obtainable for the same amount of labour,[h] we are warranted in assuming that the general condition of the people was at this time materially improved. This is, moreover, further evidenced by the increased consumption of tea, of which article only 141,995 lbs. were imported in 1711, whilst in the years 1759 and 1760 the importation amounted to 2,515,875 lbs.; and perhaps, in the then state of England, no better test of advance in comfort and refinement could be named than an increasing use of tea. Mr. Charles Smith, author of the 'Corn Law Tracts,' to whom reference has already been made,[i] estimated in 1760 that, of the six millions of people then existing in England and Wales, 3,750,000 were consumers of wheat, 739,000 of barley, 888,000 of rye, and 623,000 of oats. Considerably more than half the population would thus appear to subsist on wheat instead of the inferior grains, a proof this of the improved habits and condition of the people. The cultivation of the potato had also become general, thus making a large and most valuable addition to the means of human subsistence: but, it must be confessed, at the same time coupled with this danger, that the potato, being more easily and cheaply raised and prepared for use than any descrip-

Improved condition of the people.

[h] See ante, p. 55.

[i] See ante, vol. i. p. 375; also 'Pictorial History,' book ix. p. 850; and Tooke on Prices, vol. i.

tion of corn-crop, would be liable to become too exclusively the food of the people; whilst, owing to the root's tendency to decay, and its never enduring beyond a year, any casual failure in the crop might occasion great privation and suffering.

Some improvements had been made in the steam-engine, but James Watt had not yet arisen to impart almost vitality to that wonderful machine. The woollen manufacture was still our great staple. Cotton was little used, spinning machinery not being yet invented; but Boards were established both in Ireland and in Scotland for the encouragement of the linen-trade, and the manufacture of silk was making considerable progress. Iron-works were rapidly extending in the north, although the furnaces of Kent and Sussex were not yet abandoned. The mines of Cornwall furnished a large supply of copper annually, and 30,000 persons were estimated to be employed in manufacturing articles of copper and brass. In 1758 the Duke of Bridgewater commenced forming the great water-communication for connecting Manchester with the neighbouring coalfields and with the port of Liverpool, which bears his name, and which reflects so much credit upon his energy and foresight, as well as upon the originality and skill of his engineer, Brindley. The success of that undertaking, gave rise to others of a like nature; and navigable canals went on increasing, as the formation of turnpike-roads had been increasing —the canals and the roads alike proving the advance of the country in wealth, enterprise, and industry, during the reign of George the Second.

Manufactures, mines, canals, &c.

Thus, adopting the sentiments and nearly the words of Mr. Hallam,[k] in the comparatively more peaceful period which followed the reigns of William and Anne, and especially in that portion of it which was under the

[k] See Hallam's 'Constitutional History, vol. ii. p. 446.

prudent rule of Walpole, the seeds of our commercial greatness were gradually ripened. It was evidently the most prosperous season that England had ever experienced; and the progression being uniform, the reign of George the Second may not disadvantageously be compared, for the real happiness of the community, with the more brilliant period which has ensued. The labourer's wages had never commanded so large a portion of the means of subsistence. The public debt, though its magnitude excited alarms at which we are now accustomed to smile, did not press very heavily on the nation, as is shown by the low rate of interest, the government 3 per cent. securities having generally stood at par. The national debt at the Revolution in 1689 amounted to 664,263*l.*; at the accession of Queen Anne in 1702 it was 16,394,702*l.*; at the accession of George the First in 1714 it was 54,145,363*l.*; at the accession of George the Second in 1727 it was 52,092,238*l.*; and at the peace of Paris in 1763, three years after the accession of George the Third, it was 138,865,430*l.*[m]

After this brief summary of the circumstances existing at the end of George the Second's reign, we will proceed to consider the legislation and detail the events which took place during the long and eventful reign of his successor.

George the Third was in his twenty-second year when he ascended the throne, on the death of his grandfather, the late king. His first address to parliament, in which he declared that, "born and educated in this country, he gloried in the name of Briton," gained him favour with the people, and the moral propriety of his conduct hitherto, raised high expectations of his reign. The war in which the country was engaged, and in which Spain shortly

George III. 1760–1820.

[m] See M'Culloch's 'Statistical Account of the British Empire,' vol. ii. p. 435.

afterwards took part against us, continued to be conducted with success, and was terminated at the end of 1762 by the Treaty of Paris; France then restoring Minorca, and ceding the Canadas, Cape Breton, and Louisiana, together with all pretensions to Nova Scotia, and Spain ceding the Floridas. Nova Scotia had been settled, and the town and port of Halifax founded, in the late reign, so that England was now in possession of the whole North American continent. The war in Germany was brought to a close early in the following year, on terms favourable to our ally the King of Prussia; and at this time, therefore, at the end of the so-called "Seven Years' War," England may be regarded as standing high, if not the highest, among the powers of Europe.

Legislation was extremely active and multifarious throughout the reign of George the Third, although in the earlier part of it little comparatively was done with regard to the Poor-Law. It is now proposed to notice such portions of this legislation as appears necessary for exhibiting the social condition of the people in connexion with the progress of the Poor-Law, together with such brief reference to passing events as will keep the general state of the country before the reader.

We have seen that at the close of the late reign, the rates levied for relief of the poor in England and Wales had risen to a million and a quarter, and that much alarm was felt at the continual increase which year after year was taking place in their amount. This increase, and this alarm, led to the promulgation of various schemes for reducing the burthen of the rates, and for averting the evils which were supposed to be either caused or greatly augmented by their administration. It has not been thought necessary to give a detailed description of all these various schemes, but two were proposed which require to be noticed—namely, that by Dr. Burn, in deference to his high authority and great

experience; and that by Mr. Cooper, recommending hundred-houses, many of which had been established, and were still continuing to be established, and generally with a good result. We will begin with the last.

Mr. Cooper's work on Charitable Institutions and the Poor-Laws was published in 1763. He recommends that in every large hundred, and, where they are small, in two or three hundreds united, houses should be established, each house to comprise an infirmary for the sick and disabled poor, with means of employment for those who are able to work, and of correction for such as are able and not willing. Mr. Cooper proposes that these houses should be under the management of the gentry and clergy of the hundred, and he cites, as an example of their operation, the two small hundreds of Colnies and Carlford, in Suffolk, which were incorporated for the purpose by the 29*th George* 2*nd*, *cap.* 79, and where he says above 2,000*l.* had been saved in the four years from 1758 to 1762.[a] This, and other examples of a like nature, led to the establishing many such houses, as well in hundreds as in towns and large country parishes; but in every instance the inmates were employed with a view of obtaining profit by their labour, and in order that the burthen of the rates might thereby be lightened. This was made the chief object in all these houses, whether incorporated or parochial; and this object was, it must be admitted, as in the case of Colnies and Carlford, at first and for a time attained, although an opposite result would eventually be certain to follow. The workhouse in some shape or other continued, however, to be regarded as a fence against excess in the poor-rate, and formed henceforward a chief element in almost every plan devised for lessening its amount or preventing its increase.

1763. Mr. Cooper's plan of hundred-houses.

[a] See Sir F. Eden's 'State of the Poor,' vol. i. p. 343.

Dr. Burn, in his 'History of the Poor Laws,' published in 1764, appears chiefly to rely for a corrective upon the activity and intelligence of a superior description of overseer, about the degree of high constable, to be specially selected for the office and paid accordingly, whose duty it should be to overlook and control the ordinary overseers, and to take measures for the relief and employment of the poor; "and particularly to provide work, according to the manufactures of the several places, or to set up some easy manufacture, if there should chance to be none." [o] For he says, "Here is now work for all the poor, if they were ten times as many as they are; here are more poor to be provided for, because we are become much more populous; here is scope to make the poor exceeding useful, and to render their lives comfortable and easy." [p] This information, coming from so high an authority as Dr. Burn, must have been exceedingly welcome to those whom he designates as "the poor;" but their forced and artificial employment in the way he recommends would necessarily cause an excess of production, and bring poverty and want upon others who, but for such interference, might have lived by their labour and maintained an industrious independence.

1764. Dr. Burn's plan of a paid overseer;

Another of Dr. Burn's recommendations was to put an end to begging, without which he thinks other efforts will be fruitless, and this it is proposed to effect by punishing *the giver*. He says, "If none were to give, none would beg, and the whole mystery and craft would be at an end in a fortnight. Let the laws continue, if you please, to apprehend and punish the mendicants; but let something be also done effectually against those who encourage them. If the principal is punished, it is not reasonable the accessory

and the prohibition of begging.

[o] See Dr. Burn's 'History of the Poor Laws,' pp. 214, 215. [p] Ibid.

should go free. In order to which, let all who relieve a common beggar be subject to a penalty."[q] This is, in fact, nothing more than was enacted by the *14th Elizabeth, cap.* 5,[r] but such prohibitions are practically of little avail, for as long as the people's sympathies are excited by the appearance of want, so long will the charitably disposed be impelled to give. The best preventive of the unreasoning benevolence which Dr. Burn denounces, will be found in the people's being convinced that the really destitute are relieved and properly provided for at the public charge. When this is done, there will still be room for the exercise of private charity in its best form, by administering to the less obtrusive but not less urgent wants arising from sickness or other casualties, which are not of rare occurrence among those of the industrious classes whose spirits are too high to allow of their seeking or asking for aid, and who suffer in obscurity and silence, whilst the clamorous and less deserving obtain ample and early relief.

The paid overseer recommended by Dr. Burn, and the hundred or associated workhouse recommended by Mr. Cooper, were each excellent as means for improving Poor-Law administration, and both continued to be more and more resorted to for that purpose. But the paid overseer was not, as Dr. Burn recommended, made the superior of the ordinary overseers, but their assistant, and, as such, was shortly seen in most large parishes, and was generally selected on account of his qualifications and fitness for the office. The workhouse of that day, although faulty in its application and management, was yet, to some considerable extent, effective for economising expenditure, for sifting real from simulated destitution, and for separating the unavoidably destitute from others whose distress was

[q] See Dr. Burn's 'History of the Poor Laws,' p. 207.
[r] Ante, vol. i. p. 161.

occasioned by idleness or vicious indulgence, and who, if industrious, would not be in need of relief.

1761. 2 George III., cap. 22. 1767. 7 George III., cap. 39.

The first Acts of the present reign requiring notice are *The 2nd George 3rd, cap.* 22, and *The 7th George 3rd, cap.* 39. These Acts apply only to parishes within the Bills of Mortality, that is, to the seventeen parishes within the City walls, and the twenty-three without, the liberty of the Tower, and the ten parishes of Westminster. By the first Act, an efficient register in a prescribed form is ordered to be made by the churchwardens and overseers in each parish, of "all infants under the age of four years which on the 1st day of July shall be in the workhouse, hospital, or other place or places provided for the maintenance of the poor, or under the care of the churchwardens and overseers, with the times they were received, their names, age, and whatever relates to them as far as can be traced;" and also, that after the said 1st of July, a like registry shall be kept of "all infants under the age of four years, who shall be brought to any workhouse, hospital, or place provided for the maintenance of the poor, or be under the charge of the churchwardens and overseers in their respective parishes, with the times of their admittance, and all circumstances relating to them." These registries are to be continued annually, and duly authenticated, and carefully preserved with the parish books, under a penalty of 40*s.* for every omission or neglect.

The information obtained by the registry prescribed in the first Act, led five years afterwards to the passing of the second, chiefly through the exertions of *Sir Jonas Hanway*, after whom it is usually named. A Committee of the House of Commons had been appointed to investigate the subject, and although the evidence laid before it was probably exaggerated, the Committee's Report showed that there were sufficient grounds for legislative interference on behalf of the poor children,

great numbers of whom perished annually through neglect and improper treatment, and the want of a purer air than was to be found in the close and crowded streets of the metropolis. The last-named Act (*The 7th George 3rd, cap.* 39) accordingly directs, that all children under the age of six years, in the parishes comprised within the bills of mortality, who on the 1st of July, 1767, shall be under the care of vestries, directors, managers of the poor, or parish officers, and all children who shall thereafter be received into the workhouses, &c., of such parishes, if above two and under six years of age, shall within fourteen days be sent into the country, to a distance of not less than three miles from any part of the cities of London and Westminster; and that "all children who after the said date shall be born in or be received into any workhouses, &c., belonging to the said parishes, being under the age of two years and not suckled by the mother, shall within fourteen days after their birth or reception be sent into the country to a distance of not less than five miles." The children so put out, are to be nursed and maintained at the charge of their respective parishes, not less than 2*s.* 6*d.* per week being directed to be paid until the child arrives at the age of six—after which, and until the child be bound an apprentice or return to the workhouse, not less than two shillings per week. A gratuity of ten shillings is likewise directed to be given to every nurse who, having taken charge of a child under nine months old, shall nurse and rear it satisfactorily for a whole year afterwards.

Sir Jonas Hanway's Act. (7 Geo. III., cap. 39.)

It is moreover directed that, "in order the more effectually to guard against all dangerous consequences which may arise to the said children from false parsimony, negligence, inadvertency, or the annual change of parish officers, five noblemen and gentlemen, inhabitants of each parish, shall be ap-

Guardians of the parish poor children appointed.

pointed and chosen, under the title of *guardians of the parish poor children.*" They are to continue in office three years, and to visit and inform themselves fully of the condition of the children; and in case of neglect or improper conduct, whereby the health or the life of a child may appear to be in danger, the guardians are to report the same to the parish authorities, and if a remedy be not forthwith applied, the guardians are then to inform a justice of peace, who is "empowered to give such orders and directions therein as he shall think most proper."

Apprenticing of parish poor children.

The Act likewise contains provisions for the apprenticing of parish poor children, the fee in each case not to be less than 4*l.* 2*s.*, half to be paid within seven weeks, and the remainder at the end of three years. But "whereas it often disturbs the peace of domestic life, checks marriage, and discourages industry, to place out boys to the age of twenty-four years," it is therefore enacted that boys as well as girls may be apprenticed "for the term of seven years, or till they shall attain their respective ages of twenty-one years, and no longer." [8]

These Acts may scarcely appear to require this lengthened notice, not being of general application, and therefore not having a general interest; but they are important as evidences of the humane and kindly feeling towards the poor as a class, and towards the helpless and infant poor in particular, which then prevailed. This feeling may be traced in every section of the present Acts, in some cases perhaps carried to an excess, but everywhere contrasting strongly with much of our previous legislation. Infant life is no doubt placed more or less in jeopardy in all great towns, and in the close and densely peopled districts of the metro-

[8] This was afterwards made general by the 18*th George 3rd, cap.* 47. See post, page 87.

polis the danger must be proportionally greater. In these districts, or in some confined and ill-managed workhouse, the infants supported by the parish were nurtured, and if they survived, there they were reared, not healthily or intelligently, but with mental faculties undeveloped, and physical powers feeble and attenuated. To remove such infants to the open influence of sun and air, must in itself have been a great good; and if this were accompanied by suitable means of education, the chief wants, natural and social, to which these poor children were exposed, would be supplied. The community would then have performed the duty devolved upon it by training them up to become instruments of usefulness and strength, instead of leaving them to perish or to become a burthen and a source of weakness. Education was eventually, although imperfectly, provided; but this deficiency was again after a time corrected, each step in advance preparing the way for further improvement.

The 9th George 3rd, cap. 37, is an Act containing miscellaneous provisions respecting bricks, tiles, lottery-tickets, and other matters; but its last clause provides for the protection of the poor from fraudulent payments by parish officers. It enacts, "that if any churchwarden or overseer, or other person authorised or intrusted by them to make payments for the use of the poor, shall knowingly make any such payments in base or counterfeit money, or in other than lawful money of Great Britain," upon complaint thereof being made to a justice of peace, such justice is required to summon the person charged with such offence, "and upon his non-appearance or confession, or upon proof on oath by a credible witness, in a summary way to adjudge the party so offending to forfeit for each offence a sum not less than ten nor more than twenty shillings, leviable by distress, and to be applied to the use of such poor

1769. 9 George III., cap. 37.

Penalty on paying the poor in base money.

persons of the parish as the justice shall direct." The silver currency was at this time much worn and deteriorated, and was further depressed in value by the admixture of spurious money fraudulently imported for the purpose of circulation. In every instance of debasement in the coinage, from whatever cause arising, the poorest class are most open to injury, and are the first and greatest sufferers; and the present enactment shows that the interest of this, the most helpless class, was not now neglected.

Another instance of the benevolent attention at this time paid to the condition of the inferior and helpless classes, is afforded by the 'Act for establishing and well governing an Hospital for the reception, maintenance, and employment of penitent Prostitutes.' This Act (*The 9th George 3rd, cap.* 31) recites, "that in the year 1758, a charitable society was entered into by several noblemen and gentlemen and others for establishing a house for the reception, maintenance, and employment of penitent prostitutes, and the same hath been from time to time carried on and supported by voluntary subscriptions, and many persons have received relief from the said charity;" and in order to promote the same good designs, and render them permanent and effectual, the society is now incorporated under the above title, and empowered to erect the requisite buildings on land given for the purpose in St. George's Fields; and thus an "asylum" was provided, and is continued to the present day, for these the most degraded and most unfortunate of our fellow-creatures, who are at once the objects and the victims of man's sensuality and vicious indulgence.

1769. 9 George III., cap. 31.

Three years after the above Act, *The 12th George 3rd, cap.* 67, was passed 'For Incorporating the Members of *The Marine Society*, and for the better empowering and enabling them to carry on their charitable and useful Designs.' The Act recites, that

1772. 12 Geo. III., cap. 67.

in 1756 a society was formed for placing out men and boys to the sea-service and other charitable purposes, which society, by the voluntary donations and subscriptions of well-disposed persons, had, in addition to clothing and fitting out 5,451 seamen for the navy, and other charities, "also clothed, fitted, and placed out as servants or apprentices to officers in the king's ships, and to the merchant-service, 6,306 boys who had no visible means of support, and who voluntarily offered themselves." It is then declared that the society hath been of use and advantage to the nation, and that, if it were established upon a permanent foundation, and vested with proper powers for "fitting out and apprenticing or placing out poor distressed boys to and for the service of the Royal Navy and other ships and vessels belonging to English subjects, it would be of much more extensive use, as a means of supplying his Majesty's ships in time of war with seamen properly bred up and qualified for that service, and contributing to the commercial interests of the nation in time of peace, and also by assisting the inward police thereof in providing for the idle and consequently most dangerous members of society." Accordingly, it is enacted, that the members shall be and are incorporated by the name of "*The Marine Society*," and ample powers are given them for effecting these objects.

The Marine Society incorporated.

The hospital for the maintenance and education of exposed and deserted young children, founded in 1740,[1] and the Marine Society now established, are so far similar, that they are addressed to the common object of protecting infancy and early youth from perishing through want, or becoming the victims of crime. With respect to the Foundling Hospital, there were circumstances tending to counteract the good which it seemed calculated to effect; but as regards the Marine Society,

[1] See ante, p. 28.

there was no such drawback. To take boys out of the streets of the metropolis, from the purlieus of vice and contamination, and place them in a way of becoming useful, would not only be to them a positive good, and add to the productive power and strength of the nation, but would also prevent a positive evil and the cause of national weakness and deterioration. Of the benefits the Marine Society has conferred upon the country, as well as upon the objects of its benevolent exertions, there can be no doubt; and it happily exists and continues to confer like benefits in the present day.

In the year following, *The 13th George 3rd, cap.* 82, was passed 'For the better Regulation of Lying-in-Hospitals,' &c. The Act recites, that "through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit support and encouragement:" but inconvenience is said to have arisen from the number of bastard children born in such places, which have brought unreasonable charges upon the parishes wherein such hospitals are situated, "to their great and unjust oppression." It is therefore enacted, that no such hospital or place shall be established, or continue to be used, for the reception of pregnant women, unless a licence be first obtained from the justices assembled in general or quarter sessions of the county or division, such licence to be stamped and registered. And in order that it may be more generally known, there is to be inscribed over the principal entrance in large letters, "*Licensed for the public reception of pregnant women, pursuant to the Act*," &c. And it is then further enacted, that no bastard child born in any such hospital or place, shall be legally settled in or be entitled to relief from the parish wherein it

1773. 13 Geo. III., cap. 82.

Lying-in hospitals to be licensed, and children born therein are to follow the mother's settlement.

is situated, but shall follow the mother's settlement, any law or usage to the contrary notwithstanding. The owner or person having the charge and management of every such hospital, is also required, before admitting any pregnant woman, to take her before a justice, to be examined upon oath whether she is married or single; and if she shall not be able at the time of her admission to go and be so examined, then so soon as she shall be sufficiently recovered; and the particulars of her examination are to be entered in a book kept for that purpose by the owner or manager of the hospital, and signed by the justice. After the woman shall be delivered, she may be kept and detained in such hospital "till she shall be adjudged in a fit condition to be discharged, and been examined with respect to the place of her legal settlement;" but it is provided, that such detention shall not in any case be longer than six weeks after the woman's delivery, unless it be with her own free consent. A penalty of fifty pounds is imposed on the owner or manager of every such hospital, who wilfully neglects or refuses to comply with the directions of this Act, and churchwardens and overseers are subjected to a penalty of ten pounds for a like offence; the penalties in each case to be applied, one-half to the poor of the parish, and the other half to the parties suing for the same.

The above six Acts, passed in the early part of the reign of George the Third, possess much interest, as exhibiting the spirit by which the public of that day were actuated. They are all expressly designed to aid and give permanent and increased effect to institutions originating in private benevolence, supported by private charity, and carried into operation by the exertion of private individuals, who thus became, as it were, the pioneers of legislation, enabling it to proceed on assured grounds, tested by time, and proved by experience.

About this time likewise (1772), with similar bene-

volent views, but also with the further object of lightening the pressure of the poor-rates, a measure for establishing life annuities in parishes for the benefit of the poor was proposed by Baron Maseres, and a bill for carrying the proposed measure into effect was introduced, and passed the House of Commons, but was rejected by the Lords. Its failure need not excite regret, for, although supported by Mr. Burke, Dr. Price, and other men of deservedly high authority, it would certainly have failed in execution; and it now needs only to be noticed in connexion with the Poor Law, as a beacon to be avoided, rather than as an example to be followed.

1772. Baron Maseres' plan of parochial annuities.

Baron Maseres declared, that his design in the proposed measure "was to encourage the lower ranks of people to industry and frugality, by laying before them a safe and easy method of employing some part of the money they could save out of their wages, or daily earnings, in a manner that would be most strikingly for their benefit." To which end, in every parish in which there were two churchwardens and two or more overseers of the poor, the rateable inhabitants were to be made a body corporate, and empowered to grant deferred annuities not in any circumstance exceeding 20*l.* per annum, and to commence at the age of fifty if a man, and at the age of thirty-five if a woman. The price of the annuities was set forth in a table computed for the purpose, and appended to the bill, the minimum being 5*l.* The money received in payment for the annuities, was to be invested in government securities; and in addition to the security of the capital thus accruing, the purchasers were to have the further security of the poor-rates. This was the substance of the proposed measure; and without going into the many objections to which it is open, it may be sufficient to remark, that the labouring man's being compelled to hoard up his small savings

until they amounted to five or ten pounds before he could lay them out in the purchase of an annuity, must go far to endanger his ever doing so, and be certain to render the measure abortive. A ready and secure means for the investment of the working man's weekly savings as they arise, and thus to put them out of the way of danger, is what was then wanted, and what has since been to a great extent supplied by the establishment, first of Friendly Societies, and more recently of Savings Banks, each admirable in their way, and calculated to promote and encourage provident habits in the labouring classes."

Although ill adapted for its immediate object, the scale of annuities proposed by Baron Maseres was framed in accordance with correct principle, and worked out by him in all its details with great mathematical skill. The honesty and benevolence of his intentions are also undoubted, and the way in which his propositions were received and adopted by one section of the legislature, is another proof of the readiness with which plans for improving the condition of the people were at that time received, and the earnestness with which they were welcomed. This scheme of Baron Maseres was founded upon the ascertained average duration of life, on which the calculations for government and other annuities were based, and by which the various Life Assurance Societies continue to be in a great measure guided. The question of Life Assurance in its several branches, much occupied the attention of mathematicians at that time; and to what was then done by Dr. Price, the Baron Maseres, and other eminent persons in the elucidation of this subject, we are indebted for the many institutions for assuring life which at present exist, and which have conferred, and

" This sketch of Baron Maseres' scheme is abridged from the detailed account of it given by Sir F. Eden in his 'State of the Poor,' vol. i. pp. 350, 357.

still confer, such important benefits on individuals, on families, and upon the community in general.

1768. 8 George III., cap. 17. In 1768 the regulation of the wages, and the hours of work of the London tailors, again occupied the attention of parliament. This class of operatives was very numerous, and their frequent combinations against their employers led, we are told in the preamble, "to the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor." We have seen that a remedy for these disorders was attempted by the *7th George* 1*st*, *cap.* 13;[x] but it is now declared that doubts and difficulties had arisen touching prosecutions under that Act, and that many subtle devices were practised in order to evade it, owing to which its due execution had been greatly obstructed. *The* 8*th George* 3*rd*, *cap.* 17, was accordingly passed, and, after reciting these circumstances, it enacts that throughout the year the hours of work shall be from six in the morning till seven in the evening, "with an interval of one hour only for refreshment," and that the wages of tailors shall not exceed 2*s.* 7½*d.* per day, except at a time of general mourning, when for one month they may be raised to 5*s.* 1½*d.*; and any master tailor who pays, or any workman who receives greater wages than these, is subjected to the penalty of imprisonment with hard labour for two months. On application made for that purpose, the mayor, aldermen, and recorder in sessions assembled, may alter the above specified hours of work and rates of wages, and prescribe others, which after due notice are to be equally binding; and in order to guard against evasion by employing workmen who do not reside within the City of London, or five miles thereof, it is enacted, that any master tailor so doing, "shall for every such offence forfeit the sum of five hundred pounds, one half to the

[x] Ante, p. 12.

king, and the other half to the person suing for the same."

The working hours prescribed by this Act, are less than was ordered by the *7th George 1st, cap.* 13, and the wages are considerably higher, being 2*s.* 7½*d.* per day throughout the whole year, instead of 2*s.* per day for four months, and 1*s.* 8*d.* per day for the remainder. The three-halfpence a-day for breakfast is, however, no longer given, but double wages are allowed during times of general mourning, which would thus become to the tailors a season of rejoicing. On the whole, and without reckoning anything for such general mournings, it appears that circumstances had so changed in the forty-eight years between the statute of George the First and the passing of the present Act, as to call for a rise of fully one-third in the wages of London tailors, the utmost earnings which could be obtained in 313 working days, according to the scale established in 1720 (including the breakfast-money), being 29*l.* 15*s.* 5*d.*, whilst by the present scale the earnings in 313 days may amount to 41*l.* 1*s.* 6*d.*, and this notwithstanding the time for work is on each day an hour less.

This is certainly a marked increase in the price of labour in one department of industry within somewhat less than half a century, and it might have shown the legislators of that period the impolicy, if not the positive injustice, of fixing by a permanent and inflexible scale, that which is in its very nature variable, and liable to be acted upon by so many causes; and which ought moreover so materially to depend upon the skill of the workman, and the character and quality of his work. It is possible that an increased demand in the tailoring trade, may have had some influence in causing a rise in the tailor's wages at this time; but the chief cause of the increase was probably owing to other circumstances, to which I will now briefly advert.

During the first four years of the present reign the

harvests had generally been abundant. Not only was the produce sufficient for the home supply, but there was a bounty on exportation of 5*s.* a quarter, and in the years 1763 and 1764 no less than 820,000 quarters of wheat were exported, the entire annual consumption in England and Wales being then estimated at only four millions of quarters.[y] With the last of these years, however, this period of abundance terminated, and in 1765 two Acts were passed—one, *The 5th George 3rd, cap.* 31, "to discontinue the duties upon wheat and flour imported, and the bounty on exportation;" and the other, *The 5th George 3rd, cap.* 32, enabling government "to prohibit the exportation of wheat, flour, &c., during the recess of parliament, at such time and in such manner as the necessity of the time may require." On the re-assembling of parliament in November of the following year (1766), they were informed in the speech from the throne, that "the urgency of the necessity for the preservation of the public safety against a growing calamity could not admit of delay, and that an embargo had been laid on wheat and wheat-flour going out of the kingdom."

1766. Great scarcity. Exportation of wheat and flour prohibited.

This scarcity was not confined to England, but prevailed very generally throughout Europe. In 1767 the harvest was again deficient, and the privation and suffering of the people caused discontent and rioting in various parts of the country. The harvests in the two following years were less unfavourable; but for the five years including 1770 and 1774, they were again markedly deficient, and the dearth thence arising occasioned a renewal of distress and alarm, which prevailed to such an extent in London, that in 1773 the corporation offered a bounty of 4*s.* a quarter for the importation of 20,000 quarters of wheat. In 1774 it appears that 269,235 quarters of wheat were imported into England,

[y] See Tooke's 'History of Prices,' vol. i. p. 64.

and 544,641 quarters in 1775. A comparison of these imports, with the exports stated above to have taken place eleven years previous, will assist us in judging of the amount of privation and distress which the people must have endured in the intervening period. The price of wheat would necessarily vary with the productiveness of the season, and accordingly we find by the Eton Tables, that the average for the ten years from 1755 to 1764 was 37*s.* 6*d.*, and from 1765 to 1774 it was 51*s.*[1]—a difference of 35 per cent., and corresponding nearly with the increase which the Act just cited makes in the tailor's wages, compared with the scale established in 1720.

It was in this period of scarcity, and during the discontents and disturbances which it occasioned, that *The 12th George 3rd, cap.* 71, was passed 'For repealing several Laws therein mentioned against Badgers, Engrossers, Forestallers, and Regrators.' The Act recites that "it hath been found by experience that the restraints laid by several statutes upon dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a free trade in the said commodities, have a tendency to discourage the growth and to enhance the price of the same; which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster;" and it is accordingly enacted that the said several laws, "being detrimental to the supply of the labouring and manufacturing poor of this kingdom, shall be, and the same are hereby declared to be, repealed." The passing of such an Act under the then existing circumstances, manifested considerable advance in political science, and it may be added in political courage also, within the last few years, for the measure

1772. 12 Geo. III., cap. 71.

[1] These statements are mostly abstracted from Tooke's 'History of Prices,' vol. i. pp. 62–74.

was not only opposed to popular prejudices, but was calculated, as the people then for the most part believed, to raise prices and increase their privations.[a]

The American colonies.

The nation was now entering upon that painful struggle, which ended in the separation of the North American colonies from the parent state, and their consequent assumption of independence. The celebrated Stamp Act was passed in March, 1765, and raised a storm in the colonies which its repeal in the following year failed to allay. The right of taxation was asserted on one side, and repudiated on the other; and this difference grew to such a head, and so strongly excited the passions of men in both countries, that compromise or reconciliation became impossible, and the dread alternative of war was at last resorted to.

In 1768 the merchants and people of Boston entered into an agreement not to import goods of any kind from England, except hooks and lines for fishing, and salt, coals, lead, hemp, and wool-cards, these being articles of prime necessity; and the merchants and people of New York and other states, shortly afterwards did the same. In 1770 various riots took place in Boston, between the inhabitants and the soldiers, and the latter were compelled to quit the town; and in 1773, some cargoes of tea which arrived from England, were seized by the populace and thrown into the sea. Early in September, 1774, a congress of delegates from the several states assembled at Philadelphia, and their first act was to frame a Declaration of Rights. They then entered into a non-consumption, non-importation, and non-exportation agreement, to be observed by every American citizen. Addresses were also prepared, and the French Canadians were invited to join and to take up arms against the English. The first actual collision

1770. Riots in Boston.

1774. Congress of delegates at Philadelphia.

[a] Ante, p. 27.

in this deplorable contest, which had been so long impending, was on the 19th of April, 1775. A detachment of king's troops had been sent to destroy a depôt of military stores at a place named Concord, in which they succeeded, but not without resistance, for the provincial militia and the country people assembled in great numbers, firing commenced, and many fell on both sides. In June of the same year the battle of Bunker's Hill took place, and in July congress promulgated the great plan of confederation and perpetual union, and appointed Washington the commander-in-chief of the American armies. In March following, the British forces were compelled to evacuate Boston, and on the 4th of July, 1776, the solemn declaration of American independence was issued to the world. In the same year the British parliament passed an Act to prohibit all trade and intercourse with the colonies "during the present rebellion;" and in the year following another Act was passed, empowering the Admiralty to grant letters of marque and reprisal against the Americans, whose privateers were then doing much mischief to our trade.

1775. Battle of Bunker's Hill.

1776. Declaration of independence issued.

The war was carried on with various success, but for the most part in favour of the colonies, whilst the expenses fell heavily upon England. In June, 1777, Washington suffered a reverse at the Brandywine, and the British took possession of Philadelphia, which the congress had precipitately quitted; but in October following, General Burgoyne with his army was compelled to surrender at Saratoga. In March, 1778, parliament was officially informed that France had recognised the independence of the North American provinces, and made a treaty of amity and commerce with them. The French had indeed, all along, given indirect encouragement to the colonies, and covertly supplied them with arms and ammunition; but this open and avowed treaty with our

1778. France joins the Americans against England.

revolted provinces excited the greatest indignation in England, and although war was not formally declared, each country laid an embargo on the vessels of the other, and hostile rencontres took place between the French and English fleets.

1779. Spain takes part with France.

The alliance with France, gave increased confidence to the colonists; and in June, 1779, Spain declared its determination to take part with France, and immediately commenced the siege of Gibraltar. In the following August, the combined fleets of France and Spain, amounting to 68 sail of the line, entered the Channel and threatened the coasts of England, but without landing or doing further mischief.

1780. Armed neutrality of the northern powers against England.

In the summer of 1780, an "armed neutrality," directed against the naval ascendancy of England, was entered into by the northern powers; and the Dutch, acting under French influence, had manifested such decided hostility, that in December letters of reprisal were issued against Holland; so that at the end of 1780, England may be said to have had all the chief powers of Europe, with the exception of Austria, directly or indirectly arrayed against her, and covertly or openly giving aid and countenance to her revolted colonies; and in 1781, Austria also joined the armed neutrality.

1781. Holland and Austria join the armed neutrality.

In October 1781 the British army, under Lord Cornwallis, after having achieved some brilliant successes, was nevertheless compelled to surrender to the combined forces of America and France. But in April 1782 a great victory was obtained over the French fleet in the West Indies by Admiral Rodney; and in October of the same year the Spanish fleet was baffled, and Gibraltar effectually relieved, by Lord Howe; and thus England was once more triumphant on the ocean.

1781. Lord Cornwallis and his army surrender.

1782. Rodney victorious, and Gibraltar relieved.

On the 20th of January, 1783, the preliminaries of a

general peace were signed at Paris, by which the various matters in dispute were settled, and the American provinces were declared to be free, sovereign, and independent. Thus, after eight years of conflict, were the North American colonies lost to England, leaving her, as was then believed, shorn of her greatness, and crippled in her resources. The result has shown how unfounded was this conclusion, both the parent state and its offspring having acquired strength by the separation, and each having advanced at a rate which neither probably would have attained if they had continued united. In announcing this event to parliament, the king feelingly declared that he had sacrificed every consideration of his own to the wishes and opinion of his people, and he prayed that England might not suffer from so great a dismemberment, and that it might entail no calamitous consequences on America. He expressed a hope that religion, language, interest, and affections would yet prove a bond of union between the two countries, to which end neither attention nor disposition should be wanting on his part. And afterwards, when Mr. Adams arrived as envoy from the United States, the king, addressing him, said, "I was the last man in the kingdom, sir, to consent to the independence of America; but, now it is granted, I shall be the last man in the world to sanction a violation of it."

1783. Preliminaries of a general peace signed at Paris.

The expenses of the war had necessarily been very great. At the end of the Seven Years' War, in 1763, the national debt amounted to 128,583,635*l.*, and the interest thereon to 4,471,771*l.* At the conclusion of this war, in 1783, the debt had increased to 244,118,635*l.*, and the interest to 9,302,328*l.*, thus nearly doubling the principal of the debt, and more than doubling the annual charge upon it. Upwards of 93,000,000*l.* had been raised by loans between 1776 and 1785, inclusive;

Expenses of the war, and increase of the national debt.

and the entire revenue, which in 1774 amounted to 10,285,673*l.*, was successively increased until, in 1782, it amounted to 12,593,299*l.*[b] These vast additions to the national burthens could not have taken place, unless there had been an increase in some degree commensurate in the national resources, despite of the great extent and pressure of the war, and the circumstances which gave rise to it, and by which it was attended.

Increase of the population.

The population had gone on steadily increasing, and there is reason to believe that little short of a million were added to the number of the people between 1760 and 1780.[c] This rapid increase of the population would require a corresponding increase in the means of subsistence; and we accordingly find that enclosure bills were passed in great numbers, the average being forty-seven per annum in the first twenty-five years of the present reign, whilst during the last reign the annual average only amounted to seven.

Increase of road and enclosure bills.

There was a similar increase in road and canal bills, and the efforts of the country evidently kept pace with the demands upon it. One of the demands, and that not the least important, or the least embarrassing, was the rate for the relief of the poor. In 1776 the amount levied under this rate in England and Wales, according to the returns furnished by the overseers, in conformity with the provisions of *The 16th George 3rd, cap.* 40, was 1,720,316*l.*; and like returns, subsequently obtained, for 1783, 1784, and 1785, show that the amount levied in these years was 2,132,486*l.*, 2,185,889*l.*, and 2,184,904*l.* The money actually expended in relief

Increase of the poor-rates.

[b] See Quotations from Sinclair and Hamilton, in 'The History of the Reign of George the Third,' book i. cap. iii. p. 545.

[c] See ante, p. 57. See also a Table, by Mr. Finlaison of the National Debt Office, showing the estimated increase of the population at several periods, as given in the Census Returns of 1831, and also inserted in M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 399.

of the poor in the year ending at Easter 1776, according to these returns, was 1,529,780*l.* 0*s.* 1*d.*; and for the average of the three years last named, or say for 1784, it was 2,004,238*l.* 5*s.* 11*d.*; showing an increase in eight years of 474,458*l.* 5*s.* 10*d.*, and far outrunning the ratio of increase in the population, to which it might be expected more nearly to conform. But the excess in this instance was probably in some degree owing to the interruptions of commercial industry consequent on the war, which would necessarily throw many persons out of employment, and compel them to resort to the poor-rates for assistance.

In 1775 an Act was passed, vesting in *James Watt* "the sole use and property of certain steam-engines, commonly called *fire-engines*, of his invention." Some idea of the importance of this invention, and the vast addition made by it to the productive powers of the country, may be gathered from a statement made at a public meeting, in 1824, by Mr. Boulton, the son of Mr. Watt's partner, and then also the partner of Watt's son. He said that there had been furnished from their establishment alone, a power equal to one hundred thousand horses; and that, assuming this power to be exercised three hundred days in the year, the annual saving by the substitution of steam for horse power would not be less than three millions sterling. If a like calculation could now be extended to the whole of the steam-power created and used in this country, it would show how large a portion of our wealth and resources is derived from Mr. Watt's invention. It is a singular, but most fortunate coincidence, that the spinning machinery should have been invented by Arkwright, at the same time with Watt's invention of the steam-engine. The two inventions were calculated to work together, and without the one the other would have been comparatively far less effective; whilst in combination they must be held to

1775. The steam-engine.

have added more to the productive power of the country, than all other circumstances taken together.

Mr. Watt's double-acting engine, equable in its working, and applicable to almost every kind of mechanical operation, was not patented until 1782. The perfecting of the steam-engine gave additional value to our mines of coal and minerals, by enabling them to be worked at greater depths, and more economically. In our iron, cotton, woollen, linen, and other manufactories, it likewise soon became the chief motive power, lessening the cost of production, and thus causing an increase of demand, and an extension of employment. The call for human labour was, therefore, not lessened by Mr. Watt's grand invention, but was rather increased by it. The labour was also of a higher character, and was chiefly directed to objects requiring skill, consideration, and mental effort, whilst the operations dependent upon mere force were effected by mechanical means.

The several circumstances just noticed, are all more or less connected with the condition of the people, and could not well be omitted in treating of the Poor-Laws.

1771. The debates in parliament are published.

For like reason the practice of publishing the debates in parliament calls for remark. This first took place in 1771; and much useful information was in consequence disseminated through the country, by the papers of the day, as well upon poor-law as on other matters; and thenceforward the sentiments of the people grew to be more in unison with those of the legislature, each acting upon and enlightening the other, and eventually bringing about a more general harmony and assimilation of views and opinions.

The foregoing notices of what may be called incidental topics have carried us somewhat beyond the period of poor-law legislation at which we had arrived; but it seemed desirable to carry these notices down to the termination of the American war, and thus to anti-

cipate the occasion for again recurring to the subject, at least for some time.

The Act of Elizabeth against building cottages[d] has, it is now declared, by *The 15th George 3rd, cap.* 32, "laid the industrious poor under great difficulties to procure habitations, and tends to lessen population, and in other respects has been found inconvenient to the labouring part of the nation," and it is accordingly repealed. The restrictions imposed by Elizabeth's Act would, no doubt, be found inconvenient if not impracticable, as the people increased in numbers and civilisation; but the prohibition of more than one family inhabiting the same dwelling, was wise and beneficent, and it would have been well if this had been retained when the other restrictions were abolished. The crowding of the labouring population into cottages and habitations of insufficient size and defective arrangement, within which the decencies of life cannot be observed, has been, and unhappily still continues to be, a great evil and cause of demoralisation, which cries loudly for redress. People thus circumstanced, become deteriorated in every way. They are dwarfed in stature, injured in health, and lowered in their moral feelings and perceptions. They are of less use as operatives, of less value as subjects, and less estimable in all the other relations of life.

1775. 15 Geo. III., cap. 32.

By *The 43rd of Elizabeth* the churchwardens and overseers were empowered, with the consent of two justices, to bind out the children of such parents as are not able to maintain them, to be apprentices until, if a man-child, he attained the age of twenty-four, and, if a woman-child, the age of twenty-one.[e] *The 18th George 3rd, cap.* 47, now declares, "that it has been found by experience that the said term respecting men-children is longer than is necessary, and that,

1778. 18 Geo. III., cap. 47.

[d] Ante, vol. i. p. 179.
[e] Ante, vol. i. p. 196; also the 7th George III., cap. 39, ante, p. 67.

if such man-child was bound only till he came to the age of one-and-twenty, all the benefits intended by the said Act would be preserved, and the hardships brought on such parish apprentices by the length of their apprenticeship would be avoided, and the good harmony between master and apprentice would be better maintained." And this is enacted accordingly, doubtless to the satisfaction of all parties; for to retain a man beyond the mature age of twenty-one in a state of servitude nearly approximating to slavery, could hardly be advantageous to the master, and must have been irksome and oppressive to the man, and likely, as the Act intimates, to engender ill-feeling and hostility between them.

Apprenticeship limited to the age of 21.

Many Acts had been passed incorporating certain parishes, hundreds, and districts, and empowering them to borrow money, and provide houses of industry, and frame regulations for managing their poor; but doubts appear to have arisen with respect to their powers for apprenticing poor children; and *The 20th George 3rd, cap.* 36, was passed in order to remove these doubts, and also "for ascertaining the settlement of bastard children born in the house of industry within such districts." It recites that several Acts had been passed for the relief and employment of the poor in particular incorporated hundreds or districts, giving power to bind poor children apprentices under certain restrictions, but that doubts had arisen whether persons are compellable to receive and provide for such poor children; and it then enacts that the persons to whom any poor children shall be so bound shall receive and provide for them, in like manner as persons are now obliged by law to receive and provide for children apprenticed by the churchwardens and overseers with the assent of two justices; and any person refusing or neglecting so to do is subjected to a penalty of ten pounds, to be applied to the relief of the poor of the

1780. 20 Geo. III., cap. 36.

incorporated district. But it is provided that no one who is not an inhabitant and occupier in the parish to which the poor child belongs, shall be compelled to take such child as an apprentice; and it is further provided that every bastard child born in the house of industry, shall be deemed to belong to the parish or place where the mother is legally settled. Subsequently, by *The 42nd George 3rd, cap.* 46, overseers and guardians of the poor are required to keep a register, in a prescribed form, of all the children bound out by them as apprentices, under a penalty of 5*l.*, and each entry in the same is to be approved and signed by two justices.

The 22nd George 3rd, cap. 83, is entitled 'An Act for the better Relief and Employment of the Poor.' It is usually quoted and referred to as '*Gilbert's Act*,' having been introduced by a gentleman of that name, the member for Lichfield, who had for several years applied himself with exemplary perseverance to amending the Poor Laws, and bettering the condition of the poor. This Act requires our especial attention, both with respect to its objects and the mode in which they are sought to be attained, and also, it may be added, on account of the character, position, and great experience of its author. It commences by declaring, that notwithstanding the many laws for the relief and employment of the poor, and the great sums of money raised for those purposes, their sufferings and distresses are nevertheless very grievous, and that by the incapacity negligence or misconduct of overseers, the money raised for the relief of the poor is frequently misapplied, and sometimes expended in defraying the charges of litigations about settlements indiscreetly and unadvisedly carried on. It then recites, that "by the *9th George 1st, cap.* 7,[f] power is given to churchwardens and overseers to purchase or hire houses,

1782. 22 Geo. III., cap. 33. Gilbert's Act.

[f] Ante, p. 15.

and contract for the lodging, keeping, maintaining, and employing the poor, and taking the benefit of their service for their maintenance, and where any parish, town, or township should be found too small, to unite two or more for those purposes; which provisions, from want of proper regulations and management in the poor-houses or workhouses that have been purchased or hired under the authority of the said Act, and for want of due inspection and control over the persons who have engaged in those contracts, have not had the desired effect, but the poor in many places, instead of finding protection and relief, have been much oppressed thereby." After these preliminary declarations, it is enacted, that "so much of the said clause as respects the maintaining or hiring out the labour of the poor by contract within any parish, township, or place which shall adopt the provisions of this Act, shall be repealed, and every contract or agreement made in pursuance thereof shall become null and void."

We here see that the sufferings of the poor, and the wasteful expenditure of the rates, are attributed to the incapacity and misconduct of the overseers, and that the uniting of parishes and contracting for the maintenance and employment of the poor had not succeeded, owing to a want of proper regulations and management. These causes of failure are now attempted to be remedied, first, by exonerating churchwardens and overseers from the duty of relieving the poor, and restricting them to the collection of the rates and accounting for the same; and secondly, by appointing visitors and guardians, in whom, with the justices of the district, the entire management and control of the poor is thenceforward to be vested in all parishes which shall, at a public meeting to be held for the purpose, adopt the provisions of this Act. Such adoption must be by not less than two-thirds in number and value of the owners or occupiers assessed at 5*l.* per annum and

upwards, signing an agreement in a prescribed form, which form also contains an engagement to provide a proper workhouse. Two or more parishes may, if not more than ten miles distant from the workhouse, unite by an agreement signed in like manner, and subscribed at foot by two justices; and the parishes so united are empowered to borrow money on security of the poor-rates, and are to contribute towards the expense of providing and fitting up the workhouse "in due proportions, according to the amount of money raised by the poor-rates in each, on a medium of three years preceding such agreement." But the expenses of victuals, beer, and firing for the poor, and for the governor and assistants, "with all other small incidental expenses," are to be defrayed monthly by the several parishes, "according to the number of poor which shall be sent from each, and the time they shall have resided there within such month." Each parish is, moreover, to provide suitable clothing for the poor sent to the house; but any parish may withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months' notice, if it be so determined at a public meeting of the parishioners duly summoned and qualified as aforesaid.

A guardian for each parish, and the governor of the workhouse, are to be appointed by the justices of the district, out of names submitted by the parishioners who have signed the agreement. The guardian is to attend monthly meetings, and is to receive a salary, and be invested with all the powers and authorities of an overseer of the poor, except with regard to making and collecting rates, which is still to be performed by the churchwardens and overseers, who are "to pay to the guardian such sums as he shall, from time to time, have occasion to employ for discharging the bills and other necessary expenses attending such workhouse,

and the poor belonging to such parish." One of the guardians is to be appointed treasurer by the justices of the district, on their own selection, or on recommendation of the other guardians; but the visitor is to fix his salary, which, however, is not to exceed 10*l.* The visitor is likewise to be appointed by the justices of the district, out of three persons recommended by the guardians as being "respectable in character and fortune, and fit to be put in nomination for the office of visitor." He is empowered to appoint a deputy, and the governor and treasurer are to obey his directions in all things. It is evidently contemplated that the visitor will be selected from among the justices, or, at least, will be of like social position with them; and as his authority is nearly absolute in all matters connected with the management of the workhouse, and the affairs of the incorporation, it may be said that with him and with the justices the relief and management of the poor will rest, wherever the provisions of this Act are adopted.

The 29*th section* provides, "That no person shall be sent to such poor-house, except such as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their labour; except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor, and except such children as shall necessarily go with their mothers thither for sustenance." With respect to the rest of the poor, it is provided by the 32*nd section*, "That where there shall be in any parish, township, or place, any poor person or persons, who shall be able and willing to work, but who cannot get employment, the guardian of the poor of such parish, &c., on application made to him by or on behalf of such poor person, is required to agree for the labour of such poor person or persons at any work or employment suited to his or her strength

and capacity, in any parish or place near the place of his or her residence, and to maintain, or cause such person or persons to be properly maintained, lodged, and provided for, until such employment shall be procured, and during the time of such work, and to receive the money to be earned by such work or labour, and apply it in such maintenance as far as the same will go, and make up the deficiency, if any;" and if there shall be an excess, it is, within a month, to be given to the person who has so earned it, "if no further expenses shall be then incurred on his or her account to exhaust the same."

If a guardian shall refuse to find employment, or to afford relief to any poor person applying for the same, on complaint thereof by or on behalf of such poor person to any justice of peace, the justice is empowered (by the *35th section*), after inquiry upon oath into the circumstances of the complaint, "either to order him or her some weekly or other relief, or direct such guardian to send such poor person to the poor-house, to be kept and provided for there, or else to procure him or her maintenance and employment in the manner before directed;" and for every neglect or refusal to obey such order, the guardian is to forfeit the sum of five pounds. But if it appear that the complainant is an idle or disorderly person, the justice may commit him to the house of correction for any time not exceeding three months, nor less than one. It is likewise provided that, if any poor person shall refuse to work, or run away from the work provided for him, the guardian is to make complaint thereof to some justice of peace, who shall inquire into the same upon oath, and on conviction, punish the offender by imprisonment with hard labour for any time not exceeding three months, nor less than one.

The *31st section* directs that idle and disorderly persons who are able but unwilling to work or main-

tain themselves and their families, shall be prosecuted by the guardians of the parishes in which they reside, and punished in the manner directed by the 17*th George* 2*nd*;[g] "and if any guardian shall neglect to make complaint thereof against every such person or persons to some neighbouring justice, within ten days after it shall come to his knowledge, he shall for every such neglect, forfeit a sum not exceeding 5*l.*, nor less than 20*s.*," one moiety to the informer, the other to the use of the incorporation.

The 30*th section* provides, that infants of tender years, "who from accident or misfortune become chargeable to the parish where they belong," may with the approbation of the visitor be sent to the poor-house, or else be placed with some reputable person in the neighbourhood, at such weekly allowance as shall be agreed upon, until of age to be put into service, or bound apprentice to husbandry or some trade or occupation; and a list of the children so placed out, and by whom kept, is to be given to the visitor, "who shall see that they are properly treated, or cause them to be removed and placed under the care of some other person, if he finds cause so to do." But no child under the age of seven years, is to be separated from its parents without their consent.

Such are the chief provisions of this Act, both as regards the relief of the poor, and the management of the parishes incorporated under it. Mr. Gilbert is said to have intended the present Act as temporary only, until a measure on a more comprehensive scale could be matured; but although certain explanations and amendments were made by the 33*rd George* 3*rd*, *cap.* 35, by the 41*st George* 3*rd*, *cap.* 9, by the 42*nd and* 43*rd George* 3*rd*, *caps.* 74 *and* 110, and by the 1*st and* 2*nd George* 4*th*, *cap.* 56, the Act has continued in force

[g] Ante, p. 38.

without material alteration to the present day, the explanations and amendments being merely on matters of detail, and leaving the Act untouched in other respects. It is elaborately drawn, and the schedules attached to it are framed with extreme minuteness, to which circumstance it may perhaps be owing that such repeated explanations and amendments were afterwards found to be necessary.

With respect to the management of the unions incorporated under Gilbert's Act, it may be remarked, that the governing machinery was devised with the view of excluding the ordinary parochial authorities from taking part in it, the whole power being placed in the hands of a higher class. This precisely accords with the views of Dr. Burn, who in his 'History of the Poor Laws' denounced the incapacity and misconduct of overseers, and their oppression of the poor, in much the same terms as are used in the preamble of the present Act. The remedy then proposed by him is also nearly the same; and this need not excite surprise, for both Dr. Burn and Mr. Gilbert were active and able magistrates, both taking a prominent part in the affairs of their respective districts, and they would both naturally feel that the more power they and men of their stamp and position possessed, the more good would be done, the more evil avoided. Hence we find, in the Gilbert incorporations, the justices of peace and the visitors invested with almost absolute power, the guardians being little more than the instruments for carrying the visitors' directions into effect; and under the then existing circumstances of the country, this may very possibly have been, on the whole, the preferable course. Such, it may also be remarked, continued for the most part to be the view taken by the legislature down to the amendment of the Poor Law in 1834, the tendency of each successive Act, connected with the relief of the poor, being to place more and more power

in the hands of the local magistracy; and this was done on precisely the same grounds as were stated by Dr. Burn and Mr. Gilbert, namely, that the overseers were harsh and incompetent, and not sufficiently attentive to the wants of the poor. In 1834 there was a reaction in this respect, and the tide of public opinion ran perhaps over-strongly in the opposite direction, attributing an undue share of blame to the magistracy; but of this we shall have to speak hereafter.

As regards the relief of the poor, we have seen that, by the provisions of the present Act, none are to be relieved in the house except such as are indigent through old age, sickness, or infirmity, and orphan children and infants with their mothers. The house is therefore strictly a poor-house, and to designate it a workhouse would be a misnomer. With respect to this class of poor, little need be said. If they are to be maintained at the public cost, it may be done under proper regulations in a house of this description better than in any other way. But there is another class of poor mentioned in the Act, and requiring some remark, those namely who are able and willing to work, but cannot find employment, and for whom it is directed to be found "near the place of his or her residence." By this provision, the Act appears to assume that there can never be a lack of employment, that is of profitable employment, and it makes the guardian of the parish answerable for finding it near the labourer's own residence, where, if it existed at all, the labourer might surely by due diligence find it himself. But why, it may be asked, should he use such diligence, when the guardian is bound to find it for him, and take the whole responsibility of bargaining for wages, and making up to him all deficiency? He is certain of employment. He is certain of receiving, either from the parish or the employer, sufficient for the maintenance of himself and his family; and if he earns a surplus, he is certain of its being paid

over to him. There may be uncertainty with others, and in other occupations. The farmer, the lawyer, the merchant, the manufacturer, however industrious active and observant, may labour under uncertainties in their several callings—not so the labourer, he bears as it were a charmed life in this respect, and is made secure, and that too without the exercise of care or forethought. Could a more certain way be devised for lowering character, destroying self-reliance, and discouraging if not absolutely preventing improvement? It is true the labourer is liable to be punished if he refuses to work, or runs away from the work provided for him, but why should he do either? He may work badly, or work little, but he will surely work in some sort or in some way, in order to secure his maintenance, if not to avoid punishment. He will however work as a serf, and not as a man free and responsible, and conscious that his character, his earnings, and the estimation in which he is held, will depend upon his own conduct, industry, and skill.

The only limitation the Act interposes in forming the Gilbert incorporations is, that none of the parishes shall be more than ten miles distant from the workhouse. This limitation has been taken to apply to the nearest part of a united parish, so that the remote parts, if the parish were a large one, might be considerably more distant. But in truth the limit was not always observed, and parishes situated at a greater distance were often included, having non-incorporated parishes interposed between, so that many of the Gilbert unions were found, when examined after the passing of the Poor Law Amendment Act, to consist of a number of parishes disjoined and dotted about without order or natural cohesion, and altogether preventing, or else seriously obstructing, the formation of suitable and compact unions under the new law.

The number of Gilbert incorporations existing in

1834 was sixty-seven, comprising nine hundred and twenty-four parishes. Since then fifty-three have been dissolved, and the parishes have been included in poor-law unions. Fourteen of these incorporations, comprising two hundred and three parishes, still remain (in 1853), causing much inconvenience, and hindering many parishes from being put into union at all, as in some cases it would not be possible to form an efficient union unless the Gilbert incorporation were first dissolved. This ought, indeed, to have been done by the Poor Law Amendment Act at the outset, or at any rate the commissioners should have been empowered to do it, when and as they found the dissolution necessary, for enabling them to arrange all the parishes throughout the country into compact and suitable clusters, for the effective administration of the law. Particular interests and local prejudices have hitherto prevented the dissolution of the remaining fourteen Gilbert incorporations, and so long as their continuance is left optional they will probably so remain, it seeming to have become in some degree a point of honour with them, to maintain their exemption from the general law applicable to the rest of the country.

In 1783 The Act of Elizabeth 'For the Punishment of Vagabonds calling themselves Egyptians' was repealed by *The 23rd George 3rd, cap.* 51, which declares that it "is and ought to be considered as a law of excessive severity." This repeal, and the grounds assigned for it, may be cited as proofs of the increasing humanity and civilization of the age. In the year following, the war having been brought to a close,[h] an Act was passed with a preamble and object similar to what we have seen passed on like occasions heretofore, for enabling "such officers, mariners, and soldiers as have been in the land or sea service to exercise trades."[i] But the present Act (*The*

1783. 23 Geo. III., cap. 51.

[h] Ante, p. 83.

[i] Ante, vol. i. pp. 290 and 365; vol. ii. p. 50.

24*th George* 3*rd*, *cap.* 6) includes the wives and children of such officers mariners and soldiers, all of whom, it is declared, "may set up and exercise such trades as they are apt and able for, in any town or place, without let, suit, or molestation of any person whatsoever." And such officers mariners and soldiers, and their wives and children, are not, during the time they exercise such trades, to be removable from such place to his, her, or their last legal place of settlement, unless they shall become actually chargeable. This exemption from the penalty of removal, must have been a great boon to these men, who had served and deserved well of their country; but who might nevertheless, without this protection, have been subjected to much pain and great hardship on account of their families. The Act would seem to imply moreover, that the habits and character of our soldiers and sailors were in some degree changed. Having wives and families to be cared for, they must be presumed to have become more careful and orderly, more moral and domestic than they were at the commencement of the century.

1784. 24 Geo. III., cap. 6.

The 26*th George* 3*rd*, *cap.* 56, is an important Act, for which we are indebted to Mr. Gilbert, who ten years previously had procured the passing of a similar Act, for obtaining returns from the overseers of all moneys raised and expended under the Poor-Law. That Act (*The* 16*th George* 3*rd*, *cap.* 40) we omitted noticing in its order of date, but the substance of the returns obtained under it are given in the general summary at page 58. These returns are peculiarly interesting, being the first of the kind which were made; and they afford a means of comparison with the returns obtained under the present Act. It will, therefore, be necessary to notice them in connexion with these last returns, as well as briefly to describe the Acts in which on each occasion the returns originated.

1786. 26 Geo. III., cap. 56.

Returns of money raised and expended under the Poor Law ordered to be made.

Both Acts (the 16*th* and 26*th George* 3*rd*, *caps.* 40 and 56) commence by declaring, that "the great and increasing expenses of maintaining and providing for the poor, and the continual distresses of the poor notwithstanding, make it highly expedient for the legislature to take that subject into their most serious consideration; and that information of the state of the poor and the nature of those expenses is necessary, in order to enable parliament to judge of proper remedies to redress those grievances: but it is apprehended such information cannot be effectually obtained without the aid and authority of parliament"—it is therefore enacted, that a sufficient number of copies of the Act, and of the schedules annexed, shall be sent to the clerks of the peace throughout England and Wales for distribution to the acting justices of peace, and also for delivery by the high constable of one copy of the printed schedules to the overseers of the poor of every parish, who are to fill up and return the same, and afterwards to attend and verify by their oaths such answers and returns, at a meeting to be appointed for that purpose by the justices previous to the 20th of October; and the justices are empowered "to examine such overseers upon oath, touching any matters contained in such questions and answers, and to call for the accounts for the preceding year, if they see fit, in order to explain and verify the said accounts as shall be then made." The returns are then to be transmitted to the Clerk of Parliament, "with all convenient speed, in order that the same may be inspected by the members of both Houses," upon pain of forfeiting for every neglect and default on the part of any clerk of the peace, high constable, or overseer, of a sum not exceeding ten nor less than five pounds; but if any overseer shall knowingly or wilfully make a false or imperfect return, he is, for every such offence, to forfeit the sum of fifty pounds.

There are a few differences in the wording of the two Acts, which it is not material to notice. The present Act requires the returns to be made for three consecutive years, in order to show an average, instead of for one year only, as in 1776. Both the Acts are very full and minute in their directions, and the schedules of questions and answers are so framed, as hardly to admit of being misunderstood or evaded by the overseers and other local functionaries; so that the returns may be assumed, on both occasions, to be on the whole pretty accurate.

The following is the summary of the overseers' returns, as quoted by Sir Frederic Eden from the Parliamentary Register :[k]—

	£.	s.	d.
Amount raised by assessment in England and Wales, in the year ending at Easter, 1776	1,720,316	14	7
Ditto ditto in the year 1783 £2,132,486 12 2			
Ditto ditto in the year 1784 2,185,889 7 8			
Ditto ditto in the year 1785 2,184,904 18 10			
Medium of these years	2,167,760[m]	6	3
Increase of assessment in eight years . .	447,443	11	8
Amount expended in relief of the poor in England and Wales, in the year ending at Easter, 1776	1,529,780	0	1
Ditto ditto on the average of the three years 1783, 1784, and 1785	2,004,238	5	11
Increase of expenditure in eight years . .	474,458	5	10
Amount expended out of the poor-rates for certain purposes not immediately connected with the relief of the poor, in the year ending at Easter, 1776, viz. :—			
For county-rates £137,656 10 8			
In litigation 35,072 0 8			
For payment of rents 80,296 14 7			
	253,025	5	11
Ditto ditto on an average of the three years, 1783, 1784, and 1785, viz. :—			
Carried forward	253,025	5	11

[k] See Sir F. Eden's 'State of the Poor,' vol. i. pp. 363-372.

[m] This is given as 2,167,750*l.* in the tabulated statement of 'Local Taxation,' printed by order of the House of Commons in 1839.

				£.	s.	d.
Brought forward				253,025	5	11
For county purposes	£119,280	6	10			
Repairing churches, roads, clocks, pounds, salaries to ministers, &c.	44,231	0	11			
Overseers' journeys and attendances on magistrates	24,493	18	6			
Entertainments at parish and other meetings, &c.	11,713	0	9			
Expenses of law, examinations, and other proceedings relative to the poor	55,791	2	6			
Expended in setting the poor to work	15,892	8	10			
				271,401	18	4
Apparent increase on these items in eight years [n]				£18,376	12	5

The increase of Poor-Law expenditure in eight years is thus shown to have been considerable, and might well warrant the alarm which seems to have prevailed on account of the rapid augmentation of this burthen. In the items not included in actual or net relief of the poor, we see that litigation and law expenses, entertainments, payment of rents and payment of wages, or, as it is called, setting the poor to work, are separately named. These sources of abuse appear already to have attained considerable head, and we know that very little improvement took place with respect to them until a half-century afterwards, when these and other evils, which had grown up and become engrafted into the system, were put an end to by the passing of the Poor-Law Amendment Act.

1786. 26 Geo. III., cap. 58. Returns of all charitable donations ordered.

Immediately after requiring the overseers to furnish returns of the moneys raised and expended under the Poor-Law, another Act was passed (*The 26th George 3rd, cap.* 58), directing the ministers and churchwardens to make like returns, upon oath, "of all charitable donations for the benefit of poor persons in the several parishes and places within that part of Great Britain called England." The Act commences by declaring it to be

[n] It should be noticed, however, that the items are given in more detail in the last returns, and are probably therefore more correct. For the items of separate charge in 1776, Sir F. Eden quotes the Annual Register of 1777.

"proper that the legislature, who are directing inquiries into the state and condition of the poor, should be informed of the several charitable donations for the use and benefit of poor persons;" and it then prescribes forms for making the returns, in the main similar to the poor-rate returns, and with similar penalties for default or neglect. The Act is directed to be read in open court at the ensuing Midsummer quarter-sessions, and "also by the officiating minister in every parish church or chapel in England, the first Sunday on which Divine service shall be performed after the 31st day of July, 1786, immediately after such service."

A summary of the returns obtained under this Act is given by Sir Frederic Eden, and amounts (taking the receipts from land and money together) to the sum of 258,710*l.* 19*s.* 3*d.* per annum.[o] But the committee appointed to consider the returns remark, that they "were in many instances very defective and obscure, and that there was reason to believe very considerable further sums would appear to have been given for similar purposes, whenever proper means could be found for completing their discoveries by extending the inquiry to corporations, companies, and societies, as well as feoffees, trustees, and other persons." This has since been done, and the opinion at that time expressed by the committee has been fully borne out, the entire annual amount of such charities being 1,209,395*l.* 12*s.* 8*d.*, besides 312,545*l.* 5*s.* 4*d.* for educational purposes, making together 1,521,940*l.* 18*s.*, as appears by the summary of the Reports of the Charity Commissioners published in 1842. The present Act was, however, a good beginning, and it was important also as recognising the connexion between these "charities" and the administration of relief under the Poor-Law.

[o] See Sir F. Eden's 'State of the Poor,' vol. i. p. 373.

CHAPTER XII.

Reign of George III. continued — Proposed universal benefit society — Visitation of poor-houses — Defective management and organization — Punishment of vagrants — Prohibition of begging — Neglect of families — Parish apprentices — Friendly societies — Restrictions on the removal of the poor — Modification of the law of settlement — Out-door relief — "Roundsmen" — Occasional relief — Speech and Bill of Mr. Pitt on the Poor Laws — Mr. Bentham's 'Observations' — Commercial treaty with France — Trial of Warren Hastings — French revolutionary war — Bank Restriction Act — Union with Ireland — Imports and exports — National debt and revenue — Population — Prices of corn and provisions — Rate of wages — Berkshire bread-scale — Amount of poor-rates — State of the country — Collection of poor-rates.

1786. Mr. Acland's scheme for establishing a universal benefit society.

THE plan proposed by Baron Maseres in 1772, for establishing life annuities in every parish for the benefit of the poor, has already been noticed.[a] In 1786 Mr. Acland, with a like benevolent intention, proposed a scheme for establishing a kind of universal friendly or benefit society, by subscribing to which at certain prescribed rates, according to age and other circumstances, all persons might, independently of the Poor Law, assure for themselves adequate support in the time of sickness, infirmity, and old age. Mr. Acland proposed that an association should be established by Act of Parliament for the whole of England, to which every one between the ages of 20 and 30 should be compelled to subscribe, in manner following—a labourer earning 10*d.* a day, and a man-servant having 1*s.* 6*d.* a week or 4*l.* a year wages, or if a female 1*s.* 3*d.* a week or 3*l.* a year wages, to pay to the common stock, the man 2*d.* weekly, the woman 1½*d.* Persons disabled by accident

[a] See ante, p. 74.

or infirmity, or being married and having one or more children, are not compellable to subscribe, but may do so if they think fit, as may also persons between the ages of 30 and 50, on payment of one year's subscription by way of entrance-money, and an additional shilling for every year they exceed the age of 30. The churchwardens and overseers are in virtue of their office to be the treasurers of the association. In case of sickness or accident happening to any subscriber, notice thereof is to be given to the minister, or to a churchwarden or overseer of the parish, who is forthwith to visit the member, and if necessary, to send the parish apothecary to attend him; and in order that all persons may have proper assistance at such times, every parish is to agree with some neighbouring apothecary for the supply of medicine and attendance, one half of the apothecary's salary to be paid by the parish, the other half by the association. The subscriber of 1½*d.* a week, if sick or disabled, is to be entitled to receive 4*s.* a week bed-lying pay, 2*s.* a week walking pay, and 1*s.* a week for every child above two. The subscriber of 2*d.* a week, if sick or disabled, is entitled to 6*s.* a week bed-lying pay, 3*s.* a week walking pay, and 1*s.* 4½*d.* a week for every child above two. There are other provisions extending the proposed association to persons possessed of property, and superior in condition to labourers or servants; but the above particulars are all that need here be noticed as bearing upon the Poor Law, which this plan was intended in great measure to supersede.

The continually increasing amount of the poor-rates, coupled with the other evils arising out of the law as then administered, caused much alarm at this time, as it long continued to do, and as we have seen it had done previously. The law of settlement was not the least prominent of these evils. By binding the labourer to his parish, it destroyed his energy, and prepared him for becoming a pauper, at the same time giving rise to

litigation and expense, and thus in every way adding to the burthen of the rates. Various remedies were proposed; among the rest this scheme of Mr. Acland's, of which it is only necessary to remark, that however well intended and unobjectionable in principle, it was, like that of Baron Maseres, unsuited to the circumstances of our population, and therefore impracticable.

1787. Mr. Gilbert's scheme.

Mr. Gilbert also in the following year (1787), partaking of the prevalent alarm, and dissatisfied apparently with the working of the Act which bears his name, proposed a scheme somewhat similar to that which he had introduced in 1765, but dividing the country into smaller districts of not more than thirteen parishes, with an entirely new local executive in each. He proposed to vest the whole power and control in a Board of County Commissioners, chosen by the justices, who were likewise to appoint committees in the several districts. Workhouses were moreover to be provided in each district, and on these, and the regular attendance of the gentry at the county boards, the chief reliance was placed for securing good management and effecting all that was desired. We are indebted to Mr. Gilbert for organising the returns of Poor-Law expenditure, on which account, rather than for his Act of 1782, his present scheme is entitled to notice, although not adopted or favourably received at the time it was promulgated.[b]

1790. 30 Geo. III., cap. 49.

The 30*th George* 3*rd, cap.* 49, is entitled 'An Act to empower Justices and other persons to visit Parish Workhouses, &c.,' and after reciting "that the laws now in being for the regulating parish workhouses or poor-houses have been found in certain instances deficient and ineffectual, especially when the poor in such houses are afflicted with contagious or

[b] The above particulars of Mr. Acland's and Mr. Gilbert's schemes are abridged from the detailed accounts of them given in Sir F. Eden's 'State of the Poor,' vol. i. pp. 373 and 388.

infectious diseases, in which cases particular attention to their lodging, diet, clothing, bedding, and medicines is requisite," it goes on to enact, that any justice of peace, or any physician, surgeon, or apothecary, or the officiating clergyman of the parish, when authorised by warrant of such justice, may at all times visit any parish workhouse or poor-house within the county or division where such justice resides or has jurisdiction, and may examine into the state of the poor people therein, and their food, clothing, and bedding, and into the condition of the house, &c.; and if there be found cause of complaint, the same is to be certified to the next quarter sessions, at which the overseers of the poor and the master of such house are to attend, to answer such complaint. And the justices in quarter sessions assembled, after hearing the parties, are empowered to make such orders and regulations for removing the cause of complaint as to them shall seem meet. But it is likewise provided, that in case there be occasion for immediate interference, application is to be made to one or more other justices of the county or division, "and thereupon the said justices shall and may make such order for the immediate procuring medical and other assistance, or of sufficient or proper food, or for the separation or removal of such poor as shall be afflicted with any contagious or infectious disease, as they shall think proper to direct, until the next quarter sessions of the peace be held, to which the said justices are to certify the same; and the justices assembled at such quarter sessions are required to make such order for the further relief of the poor in such workhouse or poor-house as to them shall seem meet and proper." Incorporated workhouses are, however, expressly exempted from these provisions.

Parish poor-houses, &c., may be visited, and justices may give such orders as are necessary for removing cause of complaint.

That the organisation and management of parish poor-houses, miscalled workhouses, should have been

found defective, and require inspection and control, can hardly excite surprise, seeing that at a comparatively recent period they were actually little better than receptacles for the idle, the dissolute, and depraved, with some who were infirm or imbecile, and a few who were destitute and dependent through no fault of their own, the whole living promiscuously together—the young and the old, the males and the females, without order, discipline, or classification. And when it is added that these buildings were rarely constructed for workhouses, but were hired or purchased for the occasion, that they were often of insufficient size, and always unsuitable in arrangement, and that their management was subject to negligence, partiality, and fraud, it would have amounted almost to a miracle if they had not been, as is above indicated, seats and sources of contagion, and a sort of pest-houses where diseases, social, moral, and physical, were generated and nurtured, and whence they spread into and contaminated the surrounding districts.

The parish poor-houses.

Such parish houses, attended by such consequences, the author has seen, and it was after seeing them that he entertained first the hope, and then the conviction, that these sources of evil were capable of being changed into instruments of good—that they might be made tests of destitution, as well as an economical and effective means for affording relief. He saw that the old ill-managed workhouse led to an increase of pauperism and depravity, and he also saw reason to believe that a well-managed workhouse would help to check the one and prevent the other—that whilst the former was the worst appendage to a parish, the latter might become the best; and he accordingly endeavoured to bring about the change. The result surpassed his expectations, and subsequent experience has abundantly confirmed the soundness of the workhouse principle on which our modern Poor Law is based, and affords a

reasonable assurance that if the principle continues to be judiciously applied, it will check the tendency to increase, and avert the dangers, and neutralise many of the evils inherent in all established modes of relieving the poor. The old incorporated workhouses, whether under Gilbert's or any local Act, were not established or conducted in conformity with this principle, and they therefore failed of being permanently beneficial. They were, however, generally better than the earlier parish poor-houses referred to in the above Act, and they at first and for a time were no doubt effective in bringing about a certain reduction of the rates; but they soon ceased to be useful in this respect, whilst the erroneous principle on which they were founded, led to the introduction of evils greater even than those they were intended to correct. This was particularly the case in many of the large incorporations, the managers of which, by endeavouring to make a profit of pauper labour, went a long way towards making all the labourers paupers.

The question of how rogues and vagabonds are to be dealt with has, we have seen, continued at times to occupy the attention of the legislature from an early period; and now *The 32nd George 3rd, cap.* 45, [1792. 32 Geo. III., cap. 45.] was passed to explain and amend the *17th George 2nd, cap.* 5,[c] which was also an amending Act, and by which it was at the time believed the subject was definitively settled. The preamble of the present Act declares that "great abuses are committed in conveying from one place to another by passes persons who are not rogues and vagabonds, or in conveying persons who are rogues and vagabonds without complying with the directions of the *17th George 2nd*, which directs that such persons only shall be conveyed by pass under the hand and seal of a justice of peace, who have been first publicly whipped, or confined in the house of correc-

[c] Ante, p. 37.

tion;" and it is now enacted, that when a justice shall order a rogue or vagabond to be passed according to the provisions of that statute, such rogue or vagabond shall be first publicly whipped, or be sent to the house of correction for at least seven days, and the justice is to certify the same in the pass. But a female, although convicted as a vagabond or incorrigible rogue, is in no case whatever to be whipped, any law to the contrary notwithstanding. And as the present mode of conveying vagrants in the custody of a constable is frequently found insufficient, "from the misconduct and negligence of constables," it is enacted that the justices at general or quarter sessions may order rogues and vagabonds to be conveyed either by the master of the house of correction or his servants, or by a constable, as they shall think proper; and they are also empowered to direct what rates and allowances shall be made for passing or maintaining rogues and vagabonds, and likewise to make rules and orders for the more regular proceeding therein.

Rogues and vagabonds to be whipped, or have seven days' imprisonment, before they are passed. But female vagabonds are not to be subjected to whipping.

The *7th section* recites, "And whereas soldiers travelling from one place to another, having a certificate from their officers or the Secretary-at-War, are permitted to beg, and that mariners or seafaring men discharged are licensed to beg by some testimonial or writing under the hand and seal of a justice of the peace, and that such permission to beg is highly improper," it is therefore enacted, that every soldier and mariner wandering abroad and begging, shall be deemed a rogue and vagabond within the meaning of the Act. And because "several persons, by their wilful default and neglect, permit their wives and children to become chargeable to their respective parishes," the *8th section* enacts, that if any poor person shall not use proper means to obtain employment, or if, being able, he

Soldiers and mariners prohibited from begging, and persons neglecting to support their families subjected to punishment.

neglects his work, or spends his money in the alehouse or otherwise improperly, or if he does not apply a proper proportion of his earnings towards the maintenance of his wife and family, by which default or neglect they or any of them become chargeable, he is in either of such cases to be deemed an idle and disorderly person, and subjected to the punishment directed for such persons by the forementioned Act.

All these provisions are not only important in themselves, but remarkable as indicating the state of public feeling at the time. The exemption of females from the punishment of whipping is a proof of advance in civilization, as discontinuing the licence to beg, theretofore given to discharged soldiers and sailors, is a proof of advance in the right appreciation of public order. The penalty to which men are subjected who fail in duly supporting their families, is also an advance in the recognition and enforcement of a great social duty; whilst making the punishment of rogues and vagabonds more strictly imperative before they are "passed," proves the legislature to have been thoroughly impressed with the evils of vagrancy, and thoroughly earnest in their endeavours to put it down.

Some further regulation of parish apprentices had now become necessary, and *The* 32*nd George* 3*rd, cap.* 57, after referring to certain provisions on the subject in the 43*rd Elizabeth*, the 8*th and* 9*th William* 3*rd, cap.* 30, and the 18*th George* 3*rd, cap.* 47,[d] proceeds: "And whereas, in the event of the death of the master during the term of such apprenticeship, the agreement for service on the part of the apprentice is at an end, but the covenant for maintenance on the part of the master still continues in force, and in consequence thereof such apprentices do frequently, on the death of their master, leave their master's house, and

1792. 32 Geo. III., cap. 57.

[d] Ante, vol. i. pp. 195, 360; vol. ii. p. 87.

after living in idleness, return again and become a burthen on their master's effects, which is attended with great inconvenience and hardship to the family and personal representatives of such master, and is at the same time an inducement to such apprentices to continue in a disorderly and idle course of life;" it is therefore enacted, that on the death of a master or mistress of any parish apprentice, upon whose binding out not more than five pounds has been or shall be paid, the covenant for maintenance is not to continue in force longer than three months, during which time the apprentice must live with and serve the executors of such master or mistress, or such other person as the executors, &c., may appoint. It is then declared to be "just and reasonable that such apprentice should be obliged, during the term of his apprenticeship, to make some satisfaction by his labour to the family or representatives of his deceased master, for the advantages he has received from his apprenticeship in his childhood, when his services could not be equal to the expenses of his maintenance;" and it is therefore enacted, that within such three months, two justices of peace may, on application by the representatives of the deceased master or mistress, order and direct that the apprentice shall, for the residue of the term named in his indenture, serve any one of the persons so making application as the justices shall think fit, provided such person has lived with and formed part of the family of the deceased. But if no such application be made, or if the justices think the apprenticeship should not be continued, it is then to cease in like manner as if the full term had expired. And because no provision has been made for discharging a parish apprentice when a master or mistress has become insolvent, or so reduced as to be unable to maintain or employ him, it is now provided that two justices of peace, on application by such master or mistress, may inquire into the circumstances, and discharge such

Parish apprentices.

apprentice from his apprenticeship, if they shall find cause for so doing.

It appears by *the 7th section* of the Act, that persons were often compelled "to take a greater number of parish apprentices than it was convenient for them to maintain or employ in their own families, and are therefore forced to place out or assign over such apprentices to other persons." All such assignments are now directed to be made subject to the consent of two justices, and by endorsement on the indenture of apprenticeship, as is also the consent of the person to whom the apprentice shall be assigned; and forms of such assignment and consent are given in the schedule.

Apprentices not to be assigned to other masters without consent of two justices.

We have seen that upon proof of "any misusage, refusal of necessary provisions, cruelty, or other ill treatment" of any apprentice by the master or mistress, two justices are empowered to discharge such apprentice from his or her apprenticeship.[e] It is now declared that instances of such ill treatment frequently occur, and in order "that the expectation of such discharge should not operate as an inducement to such ill treatment," it is enacted that where any apprentice shall be so discharged, the justices may also order the master or mistress to deliver up to the apprentice his or her clothes and wearing apparel, and also to pay to the churchwardens and overseers of the parish a sum not exceeding 10*l.* "for again placing out such apprentice for his or her benefit, as to such justices shall seem meet;" and also to pay a sum not exceeding 5*l.*, in case such master or mistress shall refuse to deliver up such clothes and wearing apparel. The justices may also, if they think fit, compel the churchwardens and overseers to prosecute the master or mistress for ill treatment of any apprentice, and order the costs and expenses of such

[e] Ante, p. 46 (20th George 2nd, cap. 19).

prosecution to be paid, one half by the parish to which the apprentice belongs, and the other half by the county; and where any master or any mistress shall be convicted of such offence, they are not to have any other apprentice bound upon them, but whenever they would be compellable to take a parish apprentice, any two justices may order and direct such persons to pay to the parish officers a sum not exceeding 10*l.*, nor less than 5*l.*, for the purpose of binding out the child.

Masters and mistresses to be prosecuted for ill-treatment of apprentices.

The law likewise extends its protection to masters and mistresses, by empowering two justices to hear and determine complaints against parish apprentices "touching or concerning any misdemeanor, miscarriage, or ill behaviour," and to punish or otherwise to discharge any such apprentice from his apprenticeship. But "as it is expedient to prevent the expectation of such discharge being an inducement to such ill behaviour on the part of the apprentice," it is now enacted, that in all cases where any apprentice shall be so discharged, such justices may, if they think proper, punish such offender by commitment to hard labour in the house of correction for any time not exceeding three months.

Apprentices to be punished for ill-behaviour.

We here see both the progress and the results of enforced apprenticeship, collected as it were into a focus. The 43*rd of Elizabeth* empowered churchwardens and overseers, with the consent of two justices, to put out poor children to be apprentices "where they shall see convenient;" and at first, perhaps, there was little difficulty in applying the law, or in judging of the convenience indicated. This state of easy application and contented acquiescence could hardly, however, be of long continuance. The parish officers and the justices would, in the exercise of their discretion, be apt to take a different view of what was "convenient," from that entertained by the party to

Progress and results of enforced apprenticeships.

whom the apprentice was proposed to be bound, and hence would be apt to arise resistance and evasion on one side, and angry pertinacity, or possibly the indulgence of partial, dishonest, or vindictive feelings on the other; and thus the apprenticing of poor children would give rise to feuds, bickerings, and oppression, to the injury of the parish and all persons connected with it.

The disinclination to receive parish apprentices seems at length to have become so strong, as to render some kind of compulsion necessary; and accordingly, by the *8th and 9th William 3rd, cap.* 30,[f] it was enacted, that where any poor children are appointed to be bound apprentices, the person or persons to whom they are so appointed shall receive and provide for them under a penalty of 10*l.* But masters were not likely to view with favour, or to treat with kindness, apprentices thus forced upon them; and in order to guard against misusage on the one side, and misconduct on the other, it was enacted by the *20th George 2nd, cap.* 19,[g] that upon complaint by an apprentice of ill-treatment, two justices "may examine into the matter," and upon proof thereof to their satisfaction, may discharge such apprentice from further service; and also, that upon complaint by a master or mistress of the ill-behaviour of an apprentice, two justices may examine into and determine the same, and punish the offender by commitment to hard labour, "or otherwise discharge such apprentice."

The release thus provided for apprentices through misusage by the master, or through their own misconduct, was pretty certain to lead to an increase of both the one and the other; and a chief object of the present Act (*32nd George 3rd, cap.* 57) therefore is, to prevent the expectation of such discharge from operating as an

[f] Ante, vol. i. p. 360.

[g] Ante, p. 46.

inducement to ill-treatment by the master, or to ill-conduct in the apprentice, by the imposition of fines on the first, and by making imprisonment with hard labour compulsory as regards the latter, instead of its being an alternative as against discharge at the option of the justices.

In all matters connected with apprenticeship, the justices are vested with powers almost absolute. Every step in the various proceedings is subjected to their decision, and every case of doubt or difficulty is left to their discretion. This was perhaps unavoidable under the circumstances, but the fact of so large a discretionary power being necessary for the control and supervision of parish apprenticeship, constitutes an argument of no light weight against the system. It must often have been extremely onerous and burthensome to the justices by whom it was to be exercised, and, combined with the other discretionary powers intrusted to them, led to the passing of an Act (*The 43rd George 3rd, cap.* 14) for the express purpose of "rendering justices of the peace more safe in the execution of their duty."

The plan proposed by Baron Maseres for establishing life annuities, and Mr. Acland's scheme of benefit societies,[h] although neither were carried into effect, seem, in combination with the alarm on account of the continual increase of the poor-rates, to have led to the passing of *The 33rd George 3rd, cap.* 54, 'For the Encouragement and Relief of Friendly Societies.' The recital declares, that "the protection and encouragement of friendly societies for raising, by voluntary subscription of the members thereof, separate funds for the mutual relief and maintenance of the said members in sickness, old age, and infirmity, is likely to be attended with very

1793. 33 Geo. III., cap. 54. Regulating friendly societies.

[h] See ante, pp. 74 and 104.

beneficial effects, by promoting the happiness of individuals and at the same time diminishing the public burthens." It is then enacted, that it shall be lawful for any number of persons to form themselves into a society of good fellowship, for the purpose of raising from time to time by subscriptions of the several members, or by donations of other persons, a stock or fund for their mutual relief and maintenance in old age, sickness, and infirmity, or for the relief of the widows and children of deceased members, and to make and ordain rules and regulations for the government thereof, and to impose such reasonable fines and forfeitures as shall be necessary for enforcing the same. The rules and regulations are to be submitted in writing to the justices at their quarter sessions of the peace, who are empowered, after due examination, to confirm such as are conformable to law, and the intent and meaning of the Act, and to disallow all such as shall be repugnant thereto. When so confirmed, the rules are to be signed by the clerk of the peace, and a duplicate is to be deposited with and filed by him, after which they are to be binding upon all parties. The society is empowered to appoint officers, and to require the treasurer or the trustees to give security for the just and faithful execution of their several offices. In them all the moneys and effects are vested, and they may sue and be sued "in all cases concerning the property of the society."

It is further enacted, that "no member of such society shall be removable from a parish or place in which he may be resident, but is not legally settled, until such person shall become actually chargeable, or shall be forced to ask relief for himself or herself, or for his or her family, or for some part thereof;" neither is any member to acquire a right of settlement by such residence, or by paying rates and taxes, or by servitude or apprenticeship in the parish or place where he so

resides. The exception from removal thus conferred upon the members of friendly societies, was a highly important privilege, and would with many form a strong inducement to join these associations. It constituted in fact an exemption from the law of settlement as far as these persons were concerned, and would doubtless be regarded by them as a great boon. Two years afterwards, the provisions of this Act which "relate to the framing of rules and regulations for the better management of the funds and the appointment of treasurers," were by *The 35th George 3rd, cap.* 111, extended to societies "which have inadvertently omitted to take the benefit of the said Act," and also "to certain benevolent and charitable institutions for relieving by voluntary subscriptions and benefactions, widows orphans and families of the clergy, and others in distressed circumstances"—all evincing the same praiseworthy solicitude for the protection and welfare of the poorer portions of the community, which formed a prominent characteristic in the legislation of that day.

1795. 35 Geo. III., Cap. 101.

We have now, in our progress, arrived at the exceedingly important statute *The 35th George 3rd, cap.* 101, entitled 'An Act to prevent the Removal of Poor Persons until they shall become actually Chargeable.' After reciting the *14th Charles 2nd, cap.* 12,[1] it declares that—"many industrious poor persons, chargeable to the parish or place where they live merely from want of work there, would, in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome; and such poor persons are for the most part compelled to live in their own parishes, and are not permitted to inhabit elsewhere, under pretence that they are likely to become chargeable to the parish or place into which they go for the

[1] Ante, vol. i. p. 293.

purpose of getting employment, although the labour of such poor persons might, in many instances, be very beneficial to such parish or place;" and it further declares, that the remedy intended to be applied by granting certificates under the *8th and 9th William 3rd, cap.* 30,[k] has been found ineffectual, and that other provisions relating thereto are necessary. So much of the Act of Charles the Second as enables justices to remove persons likely to be chargeable to the parish into which they come, is then repealed, and it is enacted that from thenceforth no poor person shall be so removed from any parish or place where such person shall be inhabiting, to the place of his or her last legal settlement, until such poor person shall have become actually chargeable to the parish or place where he or she shall then inhabit, "in which case two justices are empowered to remove the person or persons in the same manner, and subject to the same appeal and with the same powers, as might have been done before the passing of the present Act with respect to persons likely to become chargeable." This was doubtless a great protection to the industrious poor, who in their endeavours to obtain employment, may have quitted the parish of their settlement. They would now be no longer subjected to the capricious interference of parish officers, and to apprehensions real or assumed that they were likely to become chargeable.

Poor persons not to be removed until actually chargeable.

But further protection was still necessary, for it is declared in the preamble to the *2nd section*, that "poor persons are often removed or passed to the place of their settlement during the time of their sickness, to the great danger of their lives," and it is therefore enacted, that when any poor person shall be brought before a justice for the purpose of being removed, or of being passed as a vagrant, and it shall appear to the justice that such

[k] Ante, vol. i. p. 359.

poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous to him or her so to do, the justice making such order of removal, or granting such vagrant pass, is required to *suspend* the execution of the same until he is satisfied that it may be executed without danger, which suspension and subsequent permission are to be endorsed on the order or pass, and the charges incurred under such suspended order are to be defrayed by the parish to which such poor person is ordered to be removed.

Orders of removal to be "*suspended*" in cases of sickness.

It is also further enacted, that no person coming into a parish shall gain a settlement therein by delivery of a written notice, nor by paying levies or taxes in respect of any tenement of less than 10*l.* yearly value; and it is likewise enacted, that felons and reputed thieves, and every one who by the existing law shall be deemed a rogue and vagabond, or an idle and disorderly person, or shall not be able to give a satisfactory account of him or herself, is to be considered as actually chargeable, and liable to be removed, as is also every unmarried woman with child.

The wording of the preamble in this Act is identical with that of the *8th and 9th William 3rd, cap.* 30,[m] except that all reference to the giving of security is omitted; but the grounds stated for the passing of both Acts are substantially the same. In both it is declared that the law of settlement has had the effect of confining poor persons to places in which they become chargeable through want of work, and has prevented their going to places where they would find work and cease to be chargeable; and the chief object of both Acts is to provide a remedy for this evil, the first by means of certificates, the last by prohibiting removal until the person is actually chargeable—a measure advocated by Sir William Young, and which had been embodied in a

[m] Ante, vol. i. p. 358.

bill prepared by him in 1788, but which then proceeded no further.

We thus see that on three several occasions efforts have been made to mitigate the stringency of the settlement law, and to relieve the working classes from the oppressive consequences of removal. The first endeavour to this end, was in the Act of Settlement itself, the framers of which, as if foreseeing what would ensue, inserted a proviso to the effect, that where poor persons likely to be chargeable shall come to inhabit, they may be removed "unless they give sufficient security for the discharge of such parish."[n] It is obvious that such security could very rarely be given, and the provision would therefore prove almost if not altogether nugatory. This it is indeed declared to be by the *8th and 9th William 3rd, cap.* 30, which is the second attempt at mitigation, and which directs such poor persons to bring with them a certificate from the churchwardens and overseers of the parish whence they came, acknowledging them to be settled therein, in which case they are not removable, unless they shall at any time be forced to ask relief. A certificate of this kind might be of some use, by enabling a man to enter a strange parish in search of employment, freed from the liability of being immediately removed from it; but his obtaining the certificate would depend upon the churchwardens and overseers, who we may presume would only grant it to the least deserving. The good workman would still be confined to his parish, or if by any means he escaped to another, he would be constantly liable to be sent back; and it was for preventing this, that the third endeavour at mitigation was made in the present Act, restricting such liability of removal to the persons who were actually chargeable—doubtless a great improvement, but still leaving the law of settlement a burthensome obstruc-

[n] See ante, vol. i. p. 295.

tion on the working classes, and a serious evil to the whole community.

The 36*th George* 3*rd*, *cap.* 10 *and cap.* 23, are both framed with the same object, that is, of increasing the amount and extending the application of relief to the poor. The first Act (*cap.* 10) enables the guardians of an incorporated district to raise and regulate the assessments in the several parishes included therein, according to the price of wheat in Mark Lane, the assessments previously levied having, it is said, become, "by reason of the late very great increase of the price of corn, and other necessary articles of life, insufficient for the necessary relief and maintenance of the poor," who, it is likewise said, have of late greatly increased in number. But it is provided that "the sums to be assessed in any parish shall never exceed in any one year the amount of double the sum at present raised."[o] The second Act (*cap.* 23) was passed to amend the 9*th George* 1*st*, *cap.* 7,[p] by repealing so much of it as prohibited relief being given to poor persons in their own houses, which prohibition is declared to have been "found inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to his peculiar case, and in certain cases holds out conditions of relief injurious to the comfort and domestic situation and happiness of such poor persons." It is therefore enacted, that in every parish the overseers may, with the approbation of the vestry, or the sanction in writing of a justice of peace acting in the district, give relief to any industrious poor person at his or her own residence, in case of temporary illness or distress, and in respect of his or

1796. 36 Geo. III., caps. 10 & 23.

[o] This limitation was subsequently removed by *The* 52*nd George* 3*rd*, *cap.* 73; and no restriction on the amount to be raised "for the necessary relief and maintenance of the poor" afterwards existed.

[p] Ante, p. 14.

her family, although such poor person shall refuse to be lodged and maintained in any poor-house which may have been provided for "lodging, keeping, maintaining, and employing all poor persons desiring to receive relief." Justices are also empowered, at their discretion, to order relief to any industrious poor person, who is thereupon "entitled to ask and receive such relief at his or her own house," and the overseers are bound to obey such order; but the cause for its being made is to be assigned thereon in writing, and it is not to remain in force longer than a month. Two justices may, however, continue the order for another month, "and so on from time to time, as the occasion shall require."

Justices may order relief to poor persons in their own dwellings.

This Act opened wide the door which was intended to be closed by the *9th George* 1*st*, *cap.* 7; and henceforward out-door relief, in some form or other, became the rule, and a source of great and universal abuse. The practice had prevailed to some extent before; and so far back as 1788, we find Sir William Young, in a bill which he introduced for amending the Poor Laws, proposing, in order to relieve the agricultural labourers who were out of work in winter, that the vestry should be empowered to settle a rate of wages for the winter months, and send the unemployed labourers round to the parishioners in rotation, proportionally as they are rated, two-thirds of the wages to be paid by the employer and one-third out of the rates.[q] We likewise find, in Sir F. Eden's account of the parish of *Winslow* in 1795, that most of the labourers were "*on the rounds*" —that is, going to work from one farm-house to another *round* the parish, sometimes as many as forty, and unless the householders employ them they are wholly paid by the parish. Children ten years old

Sir William Young's proposal to send unemployed labourers "on the round."

[q] Sir F. Eden's 'State of the Poor,' vol. i. p. 397; vol. ii. pp. 30 and 384.

are, it is said, thus put "*on the rounds*." So likewise in the account of *Kibworth Beauchamp*, it is stated, that when a man is out of work he applies to the overseer, who sends him from house to house to get employed. The employer is obliged to give him victuals and 6*d.* a day, and the parish adds 4*d.*; total 10*d.* a day for the support of his family. Persons working in this manner are called "*Roundsmen*," from their going successively round the parish for employment.[r]

If such practices prevailed before the passing of the present Act (*The* 36*th George* 3*rd*, *cap.* 23), we may be sure they would become more prevalent after the unlimited sanction given by it to what is called "*occasional*" relief to the industrious poor; for the authority of the vestry or the justice, if appealed to at all, would be practically of little avail in guiding or controlling the administration of such relief, or in checking the evils to which it would be certain to give rise. In rural parishes, the vestry would indeed be likely to favour the application of the poor-rates to the payment of wages, as in the cases of *Winslow* and *Kibworth Beauchamp*, for the majority would be employers of labour, and might expect to get their work done in this way at less direct cost to themselves than in any other. If there were an apparent saving to the farmer, from thus defraying out of rates levied upon others in common with himself a portion of his labourers' wages, he would be apt to disregard or think lightly of remote or social consequences, seeing that the parson, the shopkeeper, the artisan, and the tradesman, were compelled to contribute for his benefit; and thus payments in aid of wages got to be organized into a system, and with few exceptions became general throughout England. The demoralizing effects of such

[r] Sir F. Eden's 'State of the Poor,' vol. i. p. 397; vol. ii. pp. 30 and 384.

a practice upon the labouring population, especially in the rural districts, will call for comment as we proceed; but certain of these effects were immediately noticeable, as in the case of *Winslow*, where it is said the labourers had already, in 1795, become "very lazy and imperious."

As incidental to this period, and in proof of the solicitude which continued to prevail with respect to the Poor Law, notwithstanding the unsettled aspect of the times and the anxieties attendant on the war then waging with the French Republic, we may cite a speech delivered by *Mr. Pitt* in February, 1796, on the occasion of a Bill introduced by Mr. Whitbread for regulating wages. Mr. Pitt argued conclusively against such a measure; and with reference to certain of the older statutes which had been quoted as giving countenance to it, he declared that they were enacted to guard the industry of the country against combinations of the labourers, not to remedy any disproportion which existed between the price of labour and the price of living. "Trade, industry, and barter would," he said, "always find their own level, and be impeded by regulations which violated their natural operation, and deranged their proper effect;" and to give "justices the power to regulate the price of labour, would be endeavouring to establish by authority what would be much better accomplished by the unassisted operation of principle."

1796. Mr. Pitt's speech on the Poor-Laws.

Mr. Pitt then adverted to the kindred question of the Poor Laws, which, however wise in their origin, had, he considered, "contributed to fetter the circulation of labour, and to substitute a system of abuses in room of the evils they were meant to redress." The law of settlement, he said, "prevented the workman from going to the market where he could dispose of his industry to the greatest advantage, and the capitalist from employing the person qualified to

procure him the best return for his advances." The settlement law, he declared, "had at once increased the burthens of the poor, and taken from the collective resources of the state to supply wants which its operation had occasioned, and to alleviate a poverty which it tended to perpetuate." He thought the country had not yet experienced the full benefit of what had been done to correct these errors, and he was also disposed to think that we had not yet gone far enough, and that advantage might be derived and much evil removed by an extension of those reformations in the Poor Laws which had been begun. The parish officers, he remarked, could not now remove the workman, unless he should be actually chargeable;[s] but an industrious mechanic might still, "from the pressure of a temporary distress, be transported from the place where his exertions would be useful, to a quarter where he would become a burthen." To remedy so great a grievance, the law of settlement ought, he said, to undergo a radical amendment. He conceived that to promote the free circulation of labour and remove the obstacles by which industry is prohibited from availing itself of its own resources, would go far to diminish the necessity of relief from the poor-rates; and he wished that an opportunity were given of restoring the law to its original purity, and removing the corruptions by which it had been obscured.

After suggesting that relief should, as far as possible, be given in the way of employment, that friendly societies should be encouraged, that schools of industry should be established, and after making some other suggestions of minor importance, he recommended that an annual report should be made to parliament, which should take upon itself the duty of tracing the effects of its own system from year to year, till it should be fully

[s] See 35th George 3rd, cap. 101, ante, p. 118.

matured—that, in short, there should be an annual poor-law budget, by which the legislature would show that they had a watchful eye upon the interests of the poorest and most neglected part of the community. He concluded by declaring the subject to be of the utmost importance, and expressing his readiness to do everything in his power towards improving the present system.[1]

The speech is a favourable specimen of the eloquence and reasoning powers of the great minister, and exhibits the kindly qualities of his mind. His views on the law of settlement are identical with those expressed by almost every man entitled to speak authoritatively on the subject, either before or since, from the passing of the law to the present day; but these views were in advance of the general opinion, and so the law still remains, mitigated it is true in its powers of evil, but still inflicting evils of very considerable magnitude upon the community, and especially upon the labouring classes. Mr. Pitt's recommendation that a report, or what he calls "a poor-law budget," should be annually laid before parliament, is one of the measures established by the Poor Law Amendment Act; and it has doubtless been of much benefit in the opportunity it affords for advocating sound principles and disseminating useful information; and it is creditable to the judgment and sagacity of this eminent statesman, that he should have been the first to advocate the adoption of such a proceeding.

An elaborate bill of 130 clauses was afterwards introduced, comprising all *Mr. Pitt's* views, and also embodying certain of the recommendations which had been put forth by Lord Hale, Mr. Locke, Dr. Burn, Mr. Acland, and other eminent men who had given

[1] See Hansard for 1796, p. 714. The speech is also given, and the bill founded upon it, in Appendix No. II. of Sir F. Eden's 'State of the Poor,' which was published in the following year.

attention to the subject. But the bill thus compounded was far too complicated in its nature, and aimed at changes too violent and extensive, to admit of being safely adopted. Some of its provisions were moreover decidedly objectionable, such as making allowances to persons in employment in aid of their earnings, making advances to persons for enabling them to obtain land, maintain a cow, or acquire a competence in trade, and giving relief to persons who possessed small properties; so that it is not to be regretted that the bill failed of obtaining support.

Mr. Jeremy Bentham wrote a pamphlet in 1797, entitled, 'Observations on the Poor Bill introduced by Mr. Pitt.' It was not published at the time, but was probably communicated to Mr. Pitt and other members of the legislature; and the author's celebrity in connexion with economical science would secure attention to his remarks, which may have had some influence in causing the bill to be withdrawn. The 'Observations' have since been printed, although "not for publication."

Mr. Bentham's 'Observations' on the bill introduced by Mr. Pitt.

Mr. Bentham says, "On looking into the amendments applied by the bill to the plan of relief afforded by the *home-provision* system in the *present* state of the law, we shall find them introductive of the following *extensions*:"—

1*st*. *A supplement* is meant to be provided for whatever deficiency, in point of *earnings*, may result from any deficiency in point of *ability* with reference to work. This clause I shall take the liberty of distinguishing by the name of the *under-ability*, or *supplemental-wages clause*.

2*ndly*. Another supplement for whatever deficiency, in respect to the means of maintenance, may be produced in families by an overcharge of helpless *children*. This may be termed the *family-relief* or *extra-children* clause.

3*rdly*. Power is given (to whom not mentioned) to administer relief in the shape of *capital*, to be employed

in the purchase of "a cow, *or other animal yielding profit.*" This may be termed the *cow-money* clause.

4*thly.* A provision is made that property, "visible property," though it amount to 30*l.* or perhaps more, shall not operate in *exclusion of relief.* This may be termed the *relief-extension*, or *opulence-relief* clause.

5*thly.* Provision is made for conferring on the scholars of these schools (of industry), in certain cases, the benefit of *apprenticeship* at the public expense. This I shall term the *apprenticeship* clause.

On each of these "*extensions*," which are here given verbatim from the pamphlet, including the italics, Mr. Bentham proceeds to comment in considerable detail, and in his accustomed manner, pointing out with much force the objections to each, and showing the evils to which they would give rise. In some parts he is sarcastic, in others argumentative, and in all he exhibits a thorough comprehension of the subject.

For five years after the passing of the 36*th George* 3*rd*, *cap.* 23, the legislation which took place had no reference to poor-law matters; and this interval may be conveniently occupied in noticing a few of the chief events which occurred after the termination of the American war, and in briefly adverting to the general state of the country at the end of the century.

1786. Commercial treaty with France.

The domestic event of chief interest at this time, was the commercial treaty with France in 1786, which, departing from the narrow and selfish policy of a former period, was based upon the principle of reciprocity; and although strenuously opposed by the political adversaries of the minister, and by many of the more timid of the trading class, was approved by large majorities in parliament as being "calculated to encourage industry, extend lawful commerce, promote beneficial intercourse between the two countries, and give additional permanence to the bless-

ings of peace."[u] Another incident deserving notice was the impeachment of Warren Hastings, which, after keeping both England and India in a state of excitement for the long period of nearly ten years, terminated in his acquittal by a solemn verdict of the House of Peers in April, 1795. Thus did this great man, to whom England was indebted for the extension and security of its possessions in the East, and who may be said to have laid the foundation of that mighty empire which it has since acquired there, suffer persecution, instead of being rewarded with honours. The only redeeming circumstance in connexion with this event, is the example afforded by it, that under our popular institutions no one, however distant or however elevated his position, is secure from being called to account, if there be grounds, either real or suspected, for so doing.

1786. Impeachment of Warren Hastings.

The war of the French Revolution commenced in February, 1793. The revolution itself may be said to have commenced with the assembling of the States-General in 1789, and to have attained its climax in the execution of the king on the 21st of January, 1793. The interval presented one unvarying scene of anarchy and violence. That this outbreak may have been accelerated by the part recently taken by France in supporting the cause of the American colonies, is highly probable; but the chief and immediate cause was, beyond doubt, the disorder of the French finances, and the exemptions enjoyed by the privileged classes; to which must be added the general demoralization that prevailed, especially among the higher orders. The flame of revolution once kindled among a people so excitable as the French, spread rapidly throughout the country, giving rise to the most extravagant doctrines and pretensions. Religion and morality were

1793. French war.

[u] See the King's Speech on the 23rd of January, 1787.

alike outraged, kingly government was denounced as contrary to the natural rights of man, and a system of propagandism was entered upon, with the avowed object of bringing about in other countries the "liberty and equality" asserted to have been now attained by France. With the view of protecting the king and the royalists, a combined Austrian and Prussian army, under the Duke of Brunswick, advanced upon Paris; but it only served to increase the popular fury, and was soon compelled to seek its own safety in retreat. The English government had hitherto maintained a perfect neutrality; but on the 2nd of February, 1793, the minister moved an address in parliament to the effect that peace was no longer consistent with our internal tranquillity or external safety, and it afterwards appeared that on the day preceding (the 1st of February) the National Convention had declared war against England and Holland. At this time France had armed its entire population, was become as it were one vast camp, and a source of dread and danger to the other nations,[x] who sought security in combining against it. An English army under the Duke of York, was sent to assist the Dutch, and co-operate with the other powers; the Channel fleet was fitted out with all expedition, and put to sea under command of Lord Howe, and on the 1st of June in the year following (1794) it obtained a victory over the French fleet, taking seven of their ships.

Lord Howe's victory on the 1st of June, 1794.

Violence and disorder continued to increase under the parties who successively acquired supreme power in Paris, following and proscribing each other with extraordinary rapidity; but there was no want of energy in any of these offshoots of the Revolution. Means of defence and offence were amply provided, and intellect and enterprise of every kind were enlisted in the public

[x] See the speeches of Mr. Pitt and Mr. Burke on the 2nd and 11th of February, 1793.

service. The command of the armies was given to men who, disregarding the previous usages of war, outmanœuvred and defeated the old tacticians of Austria and Prussia, and overran Flanders and Holland. The English army which had been sent to their assistance, was compelled to return, after suffering serious losses and great privations; but at sea England continued to maintain its accustomed supremacy, and most of the French colonies fell into our hands. An attempt was made in 1796 to negociate for peace, and Lord Malmesbury was sent to Paris for that purpose; but the Directory, at that time in power, refused to surrender any of their conquests, and the negociation terminated without effect. The revolutionary armies were everywhere successful, and the Revolution itself, after going through the usual phases, attained its natural consummation in the appointment of a dictator. Towards the end of 1799, Napoleon Bonaparte, the conqueror of Italy, then just returned from his fruitless expedition to Egypt, abolished the Directory, assumed the supreme power as First Consul, and after a few years caused himself to be acknowledged emperor; and the whole of Europe, with the exception of England, became eventually subjected to his influence or control.

Bonaparte first consul, and afterwards emperor.

In 1797 the Bank Restriction Act was passed, and one and two pound notes were issued, and gold disappeared from the circulation, without producing any material effect upon prices at the time, or for some years afterwards.[y] In 1800 it was decided that the legislative union with Ireland should take effect at the commencement of the new year, which would be also the commencement of the century; and the British islands thenceforward bore the designation of "The United Kingdom of Great Britain

Bank Restriction Act.

1801. Union with Ireland.

[y] See Tooke's 'History of Prices,' vol. i.

and Ireland." This was declared, in the speech from the throne, to be an event which the king considered the happiest of his reign, being persuaded that nothing could so effectually contribute to the happiness of his Irish subjects, and to the strength, prosperity, and power, of the whole empire. The commercial and manufacturing resources of the country went on increasing, notwithstanding the impediments interposed by war and the frequent occurrence of unproductive seasons. In 1782, the last year of the American war, the official value of the imports was 10,341,628*l.* and the exports 13,009,452*l.*, whilst ten years afterwards, at the commencement of the French revolutionary war, the imports amounted to 19,659,358*l.* and the exports to 24,905,200*l.*,[z] both the one and the other being thus nearly doubled in the prosperous interval of peace. In 1801, after eight years of war, the imports amounted to 31,786,262*l.* and the exports to 35,264,650*l.*, showing a far slower rate of increase for the intervening period; but still an increase sufficiently marked to establish the continued advance of the country in wealth, and in the powers of production, despite of all adverse circumstances. The tonnage of shipping increased during the same period in a corresponding ratio.

Imports and exports.

We have seen that the national debt, at the end of the American war in 1783, amounted to 244,118,635*l.*, the annual charge being 9,302,328*l.*[a] On the 1st of February, 1803, after the peace of Amiens, the debt amounted to 520,207,101*l.*, and the annual charge to 18,643,725*l.*,[b] exclusive of two loans amounting together to 6,220,000*l.* (with an annual charge of 458,931*l.*) raised for the Emperor of Germany, and which the British government eventually

National debt and revenue.

[z] These figures must be taken as indicating quantities rather than values, and are chiefly useful as affording the means of comparing one period with another.

[a] See ante, p. 83.

[b] See 'Pictorial History of the Reign of George III.,' book ii. p. 626.

had to pay, both principal and interest. This enormous increase in the debt was caused partly by the unavoidable expenses of the war, and partly also by subsidies to Austria, Prussia, and the other continental states, to assist them in opposing the armies of France: but every fresh effort which they made ended in defeat and disaster, whilst the abstraction of so much capital could not fail to operate injuriously upon the productive resources of this country.[c] Yet the revenue levied by the state continued to increase notwithstanding these embarrassments, having risen from 17,656,418*l.* in 1793, at the commencement of the French war, to 35,415,096*l.* at its brief cessation in 1802.

Population.

The first census, as has been before stated, was taken in 1801, when the returns for England and Wales exhibited a population of 9,172,980. Twenty years previously we have assumed that it amounted to little short of 8,000,000,[d] and it had gone on steadily increasing from the period of the Revolution in 1688. A continually increasing population would naturally require increased means of subsistence and communication, and we accordingly find that in the 30 years between 1769 and 1799, upwards of two millions and a half acres of land were brought into cultivation, and that between 1785 and 1801 no less than 1874 Acts were passed for making canals, harbours, roads, and bridges, and for draining, paving, and other local improvements.

Prices of corn and provisions.

The variableness of the seasons, and the consequent fluctuations in the price of corn and the other necessaries of life, during the first fifteen years of George the Third's reign, have already been noticed.[e] Similar fluctuations continued down to 1795, in which year the cold was so severe in the month of June, as to

[c] In the nine years including 1794 and 1802 the enormous amount of 200,734,743*l.* was raised by loan. See M'Culloch's 'British Empire,' vol. ii. p. 432.

[d] See ante, p. 84.

[e] See ante, p. 78.

kill great numbers of the sheep which had been newly shorn, and the price of wheat rose in the spring of 1796 to above 100*s.* a quarter.[f] Importation was encouraged by large bounties, and neutral vessels laden with corn were seized and compelled to sell their cargoes. The scarcity continued during the four succeeding years, and in 1799 and 1800 the harvest was so very deficient, as to cause wheat to reach the price of 134*s.* a quarter in June of the latter year, and the almost famine price of 156*s.* 2*d.* a quarter in the spring of 1801. Proclamations were issued enjoining strict economy in the use of flour and bread. Large bounties on importation were granted. Distillation from grain was prohibited, and the cultivation of the potato was greatly extended. "The sufferings of the bulk of the community under this severe visitation of dearth, were (Mr. Tooke states) very great. The expression of them broke out in tumultuous meetings and riotous proceedings in different parts of the kingdom in the autumn of 1800, and the peace of the metropolis was with difficulty preserved." Happily, however, the next harvest proved abundant, and by the end of the year the price of wheat fell to 75*s.* 6*d.*[g]

The frequent occurrence of bad seasons and deficient crops throughout the period under consideration, had caused a general tendency to a rise in price, and we accordingly find the pivot or turning-price below which exporters were entitled to a 5*s.* bounty, and above which importation was permitted free of the 6*d.* a quarter duty, successively raised from 44*s.* to 48*s.* and 54*s.* The average price of the quarter of wheat between 1785 and 1794 was about 49*s.* 9*d.*, and between the latter year and 1801 it was 87*s.*, or very nearly double.

[f] See Tooke's 'History of Prices,' vol. i. p. 187.

[g] The Eton Tables give the price for the average of the entire year at 81*s.* 6*d.*; and it is stated in a note at foot that at Lady-day, 1796, the best wheat in Windsor market fetched 96*s.* See Sir F. Eden's 'State of the Poor,' vol. iii. p. 78 of the Appendix.

It is possible that some other cause may have assisted in producing this rise, but that unproductive seasons were the chief cause seems certain. Yet Arthur Young represents the average price of wheat in the seventeenth century to have been 38*s.* 2*d.* a quarter, and in the eighteenth century 38*s.* 7*d.* a quarter,[h] a very trifling difference between the entire periods; but we nevertheless see that the occasional advances which had taken place, some of which were excessive, gave rise at the beginning of the nineteenth century to a general upward tendency, as is manifested by the successive raising of the price by which the law of import and export was governed.

Rate of wages.

Assuming the price of corn to be an index to the prices of all other articles necessary for human subsistence, it follows that the rise of price which had taken place, and more especially in the latter years of the eighteenth century, must have caused great privation and suffering to the labouring classes, unless it had been met by a corresponding rise in the rate of wages; and even then the rise would not go beyond what the average range of prices might warrant, whilst the extreme elevations would necessarily still bear hard upon the labourer. We have seen that in the case of the London tailors, a considerable advance did take place in 1768, under the sanction of a legislative enactment,[i] and there is reason to believe that there was likewise an advance in all other trades and handicrafts more or less proportionate to the advance in the price of provisions. With respect to agricultural and other day labourers, there must have been also an advance in some shape or other, either as wages, or as an allowance from the parish in aid of wages, since without an advance of some kind the

[h] See Tooke's 'History of Prices,' vol. i. p. 83.
[i] See ante, p. 76.

people could not have subsisted, and might have been driven by their necessities to prey upon the community.

In 1795 a meeting of the Berkshire justices and "other discreet persons," assembled by public advertisement, for the purpose of rating husbandry wages, and declared it to be their unanimous opinion, that the state of the poor required further assistance than had been generally given them. They also declared it to be their unanimous opinion, that it was not expedient for the magistrates to grant that assistance by regulating wages according to the statutes of *Elizabeth* and *James*, but that the magistrates should earnestly recommend to the farmers and others throughout the county, to increase the pay of their labourers in proportion to the present price of provisions. The magistrates then present, accordingly resolved, "that they will in their several divisions make the following calculations and allowances for the relief of all poor and industrious men and their families, who to the satisfaction of the justices of their parish shall endeavour (as far as they can) for their own support and maintenance, that is to say—

1795. Berkshire bread-scale, or Speenhamland Act.

"When the gallon loaf of second flour weighing 8 lb. 11 oz. shall cost 1*s.*, then every poor and industrious man shall have for his own support 3*s.* weekly, either produced by his own or his family's labour or an allowance from the poor-rates, and for the support of his wife and every other of his family 1*s.* 6*d.*

"When the gallon loaf shall cost 1*s.* 4*d.*, then every poor and industrious man shall have 4*s.* weekly for his own, and 1*s.* 10*d.* for the support of every other of his family.

"And so in proportion as the price of bread rises or falls (that is to say), 3*d.* to the man and 1*d.* to every other of the family, on every penny which the loaf rises above a shilling."

At the same meeting, the overseers were recommended

to cultivate land for potatoes, giving the poor who worked it one-fourth of the crop, and selling the remainder at 1*s.* per bushel; also to purchase fuel "and retail the same *at a loss*;" and the justices promised that, where this plan was adopted, they would, in making allowances for relief and punishing persons for stealing wood, take these circumstances into consideration, and give them their due weight. A meeting held on the same day at Basingstoke, declared it to be their opinion, that the most eligible method of regulating the rate of wages is by reference to the price of wheat; but that in no case ought an able-bodied labourer to have less than 8*s.* per week.[k]

This is the famous Berkshire bread-scale, locally known as the 'Speenhamland Act of Parliament,' and it was extensively adopted in other counties. The effect of a scale of wages graduated according to the price of bread and the size of families, would be to enable the labouring classes, who necessarily constitute the great bulk of every people, to obtain the same quantity of food in a scarce and dear season, as in an abundant and cheap one. This is contrary to the behest of Providence, and would aggravate the evils of dearth, and go far to neutralize the blessings of abundance. That there must, and that there ought to be, a certain proportion between the general wages of labour and the general cost of subsistence, it is impossible to deny; but this must be a proportion admitting of considerable latitude and qualification, according to the variety of times and circumstances. It would be vain, and as mischievous as vain,

[k] The above interesting particulars are copied from 'The Reading Mercury' of Monday, May 11th, 1795. The Speenhamland meeting took place on Wednesday the 6th of May in that year. It is noticed and commented on by Sir F. Eden, who gives the tables of allowances which were framed on the above resolutions (in his 'State of the Poor,' vol. i. p. 577); but I take the account from 'The Reading Mercury' in preference, it being more full and complete.

to attempt to fix the wages, or in other words to determine the nature and quantity of food which each individual should be entitled to receive in return for his daily labour. Yet this the bread-scale attempts to do, and this Mr. Whitbread likewise attempted to effect by a Bill which he introduced first in 1795, and again in 1800, for regulating wages according to the price of provisions; but happily both the Bills were rejected, on the second reading.

On the whole, it may be assumed, that in the latter part of the eighteenth century the labourer's wages, or his means of procuring the necessaries of life, were increased in a somewhat corresponding ratio to the increase in the price of food; but as throughout the period this latter increase was generally continuous, and at times excessive, the labourer must have been frequently exposed to great privation, and driven to resort to the poor-rates for aid; and every instance of his so doing would naturally, if not almost necessarily, lead to renewed applications, until the wages of labour and relief from the rates would become so blended and commingled, that the one could not be separated from the other. This result would no doubt be greatly accelerated by the operation of a bread-scale such as is above described, and we accordingly find that the expenditure for the relief of the poor, which, on the average for the three years 1783, 4, and 5, amounted to 2,004,238*l.*,[1] was by returns to parliament shown to amount in the year 1802-3 to no less than 4,267,965*l.*,[m] and in 1801 it therefore could hardly have been under 4,100,000*l.*, having thus more than doubled in seventeen years. To what extent such a rapid increase of poor-

Amount of poor-rates.

[1] See ante, p. 85. The money levied under the poor's rate, including county-rates, in the year 1802-3 amounted to 5,348,205*l.* For the three years 1783-4-5 we have seen that the average was 2,167,750*l.* There were no intermediate returns. See ante, p. 101.

[m] See 'Statement of Local Taxation,' printed by order of the House of Commons, in 1839.

law relief may have been occasioned by the war in the latter half of this period, and by the occurrence of scarcity and high prices, or how far it was owing to the application of the poor-rates in aid of wages by means of a bread-scale, or the roundsman system, or payment of rents, or allowances in some other way, it is impossible to speak with certainty; probably all may have operated more or less; but we can hardly doubt that the application of rates in aid of wages, in some form or other, had the largest share in causing the increase. The evil thence arising fell heavily on all classes alike—on the rich, who paid more for worse labour, and on the poor, who were compelled to receive the equivalent for their labour in a form that must have been repulsive to their feelings of independence and self-respect.

On comparing the condition of the country in 1801, as indicated by the foregoing facts and statements, with what it was at the commencement of the present reign, and again at the end of the American war in 1783, we find that the population was continually on the increase, upwards of 2,000,000 having been added to the number between the accession of George the Third and the end of the century. We find also that the trade, wealth, and resources of the country increased in a ratio still greater than the population, and that no inconsiderable advance was made in science, literature, and the useful arts. But the condition of the great bulk of the people did not altogether keep pace with these improvements, since the advance which progressively took place in the cost of subsistence, continually preceded an equivalent advance in the wages of labour; and the deficiency thence arising was for the most part made up out of the poor-rates, which went on rapidly increasing, and became a heavy burthen to the rate-payer, and a fertile source of demoralization to the labourer.

This general notice of the state of things existing at the period under consideration, will it is hoped assist

the reader in better appreciating the subsequent legislation with reference to the relief of the poor, to an examination of which we will now return.

The 41*st George* 3*rd*, *cap.* 23, is entitled 'An Act for the better Collection of Rates made for the Relief of the Poor.' It appears that inconvenience had arisen from the power of quashing rates given to justices by the 17*th George* 2*nd*, *cap.* 38,[n] and that "in consequence of the rate or assessment being quashed or set aside, or of notice of appeal against the whole rate being given, the overseers have not had any money in hand for the relief and maintenance of the poor,"—for remedy of which, the court of general or quarter sessions, upon any appeal against a rate, is now empowered to amend the rate, either by the insertion or striking out of names, or by altering the amounts respectively charged therein, "or in any other manner which the said court shall think necessary, without quashing or wholly setting aside such rate or assessment." If however it should be thought necessary for relief of the persons appealing, that the rate should be wholly quashed or set aside, then the court may quash the same; but the amounts charged and assessed upon all persons in the said rate are nevertheless to be paid, and may be levied and enforced in the same manner as if no appeal had been made; and the moneys so paid are to "be deemed and taken as on account of the next effective rate which shall be made for the relief of the poor." After a rate has been quashed, the general quarter sessions are likewise empowered to order the sum therein charged upon any person, not to be paid, and all proceedings for enforcing payment of the same are thereupon to be stopped.

1801. 41 Geo. III., cap. 23.

Quarter sessions empowered to amend the rate.

Notice in writing is required to be given of every appeal, whether it be against the poor-rate or against the

[n] Ante, p. 35.

overseers' accounts, stating moreover the cause of the appeal; and such notice must be delivered "not only to the churchwardens and overseers or any two of them, but also to all other persons interested in the event of such appeal." And if it be made to appear that any person shall have paid money which he ought not to have been charged with, the court may order such money to be returned, "together with all reasonable costs, charges, and expenses occasioned by such persons having paid or been required to pay the same." It is further enacted (*sec.* 9), in case any churchwardens and overseers shall not have been able, on account of an appeal or the quashing of the rate, to collect money sufficient for the relief of the poor, and have themselves actually advanced and expended money for that purpose, that the succeeding churchwardens and overseers are to repay the same, and if they fail in so doing within fourteen days after demand being made upon them for that purpose, the court of general or quarter sessions may, on application of the late overseers, and after due notice to the present, "make such order therein as the said court shall think fit."

Notice of appeal to be given.

The poor-rates had now attained an amount which made each ratepayer desirous of lessening his share of the burthen as much as possible, and as this could only or most easily be done by casting a larger share on his neighbour, there seems to have been a general struggle for this purpose, each ratepayer in a parish striving to increase the assessments of the others, and to reduce his own. That much unfairness, ill-feeling, and injustice ensued in consequence can hardly be doubted, and it was to correct the evils arising out of this state of parochial antagonism, that the above Act was framed.

In this instance, as in most other cases connected with poor-law administration, we find that the removal of any difficulty which has arisen, is sought to be attained by enlarging the powers of the local magis-

tracy. Their discretion seems to be regarded as a certain cure for every shortcoming in the law, and a panacea for every evil arising out of it. Perhaps this was the best course, or it may have been the only course open to the poor-law reformers of those days; and the discretion so conferred may also on the whole have been well and impartially exercised: but in the exercise of the large discretion thus confided to them, the magistrates must have been occasionally placed in a false position, and been called upon to adjudicate in cases in which they could not but feel that they were more or less personally interested. Thus, in the present instance, the assessments we see are subjected almost entirely to the control of the magistrates, who may at their discretion raise or reduce the payments of any occupier, or exempt him altogether, and compel the return of any payment he may have made to the overseers. They are in fact almost absolute, as regards the rating for the relief of the poor. Yet, seeing that the local magistrates are generally the chief owners of property in every district, and therefore largely interested in its affairs and liabilities, it seems impossible but that some influence, either indirect or personal, must be brought to bear upon them in almost every rating question that arises. It is not sufficient to say that the magistrates, being highminded honourable men, their decisions would be independent of any such influence; for admitting this to be the case, as we have every reason to believe that in the main it was, the seat of justice would still not be regarded as free from the taint of partiality,—it would not be, like Cæsar's wife, above suspicion; and this it is necessary that it should be, in order to secure the universal respect and acquiescence of the people.

That the decisions of the justices did not always command such acquiescence, is apparent from an Act passed two years subsequently, *The 43rd* 1803. 43 Geo. III., cap. 141.

George 3rd, cap. 141, "to render justices of peace more safe in the execution of their duty." By this Act the penalty recoverable from a justice is limited to 2*d.*, unless it shall appear that he was actuated by improper motives. The true remedy for faulty decisions, from whatever cause arising, is however to make the laws so clear, precise, and complete in their enactments, as to secure their due administration without leaving anything, or at any rate leaving as little as possible, to the discretion of the administrators. This will be for the advantage of all parties—of the magistrate, who will thus be relieved from the suspicion of being unduly influenced; of the public, who will more contentedly acquiesce in whatever may be decided; and it will also add to the weight and authority of the law, a general confidence in which is so necessary for ensuring the peace and good order of society.

CHAPTER XIII.

Reign of George III. continued — Renewal of war with France — Provision for families of militiamen — Increase of poor-rates — Contracts for farming the poor — Revision of bastardy and settlement laws — Examination of overseers' accounts — Extension of Gilbert's Act — Abolition of badges — Apprenticeship indentures — Operation of settlement law — Time of electing overseers — Repeal of restrictions on exercise of trades — Repeal of certain local Poor Acts — Punishments in workhouses — Illegal pawning, &c., of workhouse property — Supply of goods to workhouses — Out-door relief — Restriction of punishment — Parish apprenticeship — Sketch of events from the Peace of Amiens to the battle of Waterloo — Revenue and national debt — Imports and exports — Prices of wheat — Wages — Poor-rates — Population — Debate in the House of Commons on the appointment of a committee on the Poor Laws — The committee's report and its results — Parish Vestry Act — Select Vestry Act — Amendment of settlement laws — Death of the king.

THE war with France, in which there had been a brief pause after the treaty of Amiens at the end of 1801, was now rekindled with greater inveteracy than before. The country was alarmed by threats of invasion, for defence against which it had, in a great measure, to rely upon the militia; and an Act was now passed "for consolidating and amending the several laws providing relief for the families of militiamen when called into actual service." The preamble declares it to be expedient that the provisions in previous Acts relating to the subject, should be consolidated and amended; and it is then enacted, that when a militiaman shall be called out into actual service, leaving a wife and family unable to support themselves, the overseers of the poor of the parish where they reside shall (subject to an order of a justice of the peace) "pay weekly to the wife, and to each of the children of every such non-commissioned officer, drummer, balloted-man, substitute, hired man, or volunteer respectively, out of the poor-rates," an allow-

1803. 43 Geo. III., cap. 47.

ance equal to the ordinary price of one day's husbandry labour in the district; but the allowance is never to be less than one shilling, and if there be not money sufficient in the hands of the overseers, a new rate is to be made for the purpose. The families are moreover exempted from removal, neither are they to be sent to the workhouse, and the men are not to lose their legal settlements nor their right of voting. But in any case where a man has a wife and more than three children to be provided for, the overseers are empowered to procure another fit and proper man, having no family, to serve in his stead.

Families of militiamen to be supported out of the poor-rates.

By thus securing a provision for the men's families in their absence, this Act must have offered a great encouragement to men to serve in the militia, the object for which it was no doubt chiefly intended: but whilst effecting this object, it must also have largely tended to increase the poor's rate; first, by the direct charge cast upon it in the relief now ordered to be given to the families of militiamen; and next, by the habit which thence arose of continually resorting to it. This last was the greater evil of the two, for by accustoming the people to look to the rates, and to see numbers constantly deriving their subsistence from them, the poor-rate got to be regarded as a kind of common property, of which every one was entitled to have a share on the occurrence of any want or any difficulty from whatever cause arising. All feeling of repugnance to apply for and receive parish relief, thenceforward rapidly subsided. The applicants and receivers became so numerous as to keep each other in countenance, and the parish pay-table was approached without shame or misgiving. It can hardly be doubted that this change in the habits and feelings of the people was greatly accelerated, if it was not mainly caused, by the operation of the present Act, under which many families in every part of the country claimed and received their

means of living from the poor-rate, not only without any feeling of degradation, but as a right, and an honourable distinction due to the families of men who were meritoriously serving their country. To be backward or niggardly in the distribution of relief to such persons would have been considered unpatriotic, or perhaps illegal; and a laxity, or misnamed liberality in the administration of the Poor Law thenceforward took place, and went on increasing until the rates, originally intended for the relief of the impotent and necessitous, were squandered on the idle and the dissolute, checking industry, destroying self-reliance, and leading to the pauperization of the entire labouring class. That this was aggravated by the high war-prices which then prevailed cannot be denied, for these drove the labourer to seek relief from the parish in aid of his wages, and disposed the farmer to be forward in granting such relief. Having regard to this circumstance therefore, coupled with the natural and it may be said necessary operation of the above Act, it cannot excite surprise that the poor-rate should go on rapidly increasing, as we have found, and shall still find it to do.

Increase of the poor-rates.

The preamble of *The 45th George 3rd, cap.* 54, declares, "that great inconvenience has arisen from contracts for the lodging, maintenance, and employment of the poor of parishes having been entered into pursuant to the *9th George 1st, cap.* 7,[a] with persons not being resident within such parishes respectively, nor of sufficient responsibility to ensure the faithful performance of such contracts." Wherefore it is enacted that no contract for lodging, keeping, maintaining, or employing the poor of any parish, and for taking the benefit of their labour and service, shall be valid or binding, unless the persons with whom the same shall be entered into shall, during the continuance of such contract, be

1805. 45 Geo. III., cap. 54.

[a] Ante, p. 14.

resident within the parish so contracting, or within the particular parish in which such poor shall be lodged and maintained, or in case of two or more parishes being united, shall be resident in one of such parishes; and also unless one or more responsible householders, to be approved by the churchwardens and overseers, shall give security for the due and faithful performance of such contract, "nor unless such contract shall be approved and signed by two justices of peace acting for the county in which such parish is situated." Parishes maintaining their poor under the provisions of any special Act are however exempted, as are also the contracts entered into previous to the passing of the present Act. The "inconveniences" here said to arise from farming out the poor, and for which this Act was intended to afford a remedy, might have been readily foreseen at the time of passing the *9th George 1st, cap.* 7, and there can be no doubt that the practice ought never to have been sanctioned; but being once adopted, there was a difficulty in putting an end to it altogether, and the present Act, we see, only aims at preventing its extension, unless under such guards as it was thought would prevent abuse. The system was however radically bad, and so open to jobbery and fraud, that no supervision or conditional arrangements could prevent abuse, or guard it against becoming a source of demoralization and pauperism.

1809. 49 Geo. III., cap. 68.

The bastardy law was now found to need revision, and *The 49th George 3rd, cap.* 68, was passed to explain and amend it, "so far as related to indemnifying parishes in respect thereof." The Act commences by declaring "that the provision of the *18th of Elizabeth* concerning bastards begotten and born out of lawful matrimony, are found to be inadequate for indemnifying parishes against the charges thereby incurred, and that it is expedient such charges should be borne by the adjudged reputed father, "at the discre-

tion of the justices by whom such adjudication shall be made." It is therefore enacted, that if any single woman shall, upon oath before a justice of peace, declare herself to be with child, and that such child is likely to be born a bastard, and shall charge any person with having gotten her with child, the justice shall, on application by the overseer of the poor, issue his warrant for apprehending such person, and shall commit him to gaol, unless he gives security to indemnify the parish, or enters into recognizance to appear at the next general or quarter sessions, and to abide by such order as shall then be made. And it is further enacted, that any person who shall hereafter be adjudged to be the reputed father of a bastard child, shall be chargeable with all reasonable expenses incident to the birth of such child, and also to the payment of costs for his own apprehension and for the order of filiation; and as "parishes are often put to great expense in enforcing orders of maintenance made on the filiation of bastard children," it is further enacted, that if any reputed father, or any mother of a bastard child, on whom an order of filiation or maintenance has been made, shall neglect or refuse to pay the same, any justice of peace, upon complaint of an overseer of the poor, may issue his warrant to apprehend such reputed father or such mother, and if the money be not then paid, or sufficient cause shown for not so doing, the justice is to commit one or both to hard labour in the common gaol for three months, unless before the expiration of that time the money so ordered shall be paid. All charges, expenses, and costs are wholly subject to the discretion of the justices, who may, if they see fit, order payment of the whole or any part thereof, "provided that the costs of apprehending the reputed father and the order of filiation shall not in any case exceed the sum of 10*l.*" With the above exceptions, the Act of Elizabeth is in all respects to be observed.

Order of filiation in cases of bastardy.

1810. 50 Geo. III., cap. 51. But in the year following a further amendment of the bastardy law was called for, and *The* 50*th George* 3*rd*, *cap.* 51, repeals so much of the 7*th James* 1*st*, *cap.* 4,[b] as relates to the punishment of women delivered of bastard children. It declares that the punishment of one year's imprisonment at hard labour therein inflicted upon every woman having a bastard child chargeable to the parish, and for a second offence the like imprisonment until she put in good securities not so to offend again, "if rigorously inflicted might be too severe, and might subject the offender to imprisonment for life;" and it is therefore enacted, that when a woman has a bastard child chargeable to the parish, any two justices before whom she shall be brought "may, at their discretion, commit her to the house of correction, there to be set on work for any time not exceeding twelve months, nor less than six weeks;" and the justices are further empowered, "upon their own knowledge," or a certificate from the keeper of the house of correction of her good behaviour, to order such woman to be released at any time after she has been imprisoned not less than six weeks. But it is expressly provided, that no such woman is to be so committed, "until she shall have been delivered for the space of one calendar month."

Both these Acts were framed with a view to favour the woman, and to punish the man, the penalties being mitigated as respects the former, and increased in the case of the latter. This could hardly in the long run be favourable to female virtue, for the woman would naturally have less dread of the consequences attendant on a breach of it, whilst the severer penalties imposed on the man would place him in a greater degree under her power. Even in cases where she may herself have been the tempter, she might cause him to be

[b] Ante, vol. i. p. 235.

apprehended and imprisoned; and the consciousness of possessing this power over the man may, it is to be feared, have not unfrequently led her to yield to acts of incontinence which would have been resisted had the woman been left the sole guardian of her own honour. These Acts, however well intended, had not the effect of lessening the crime of bastardy. It may indeed be doubted whether they had not a directly opposite tendency.

Notwithstanding the recent amendment of the settlement law,[c] further improvements are still found to be necessary, and *The 49th George 3rd, cap.* 124, is accordingly passed for that purpose. It appears that inconvenience had occurred with respect to orders of removal, when suspended in cases of sickness, as authorised by the *35th George 3rd, cap.* 101,[d] which limits the execution of any such order, when amended, to the justices by whom it was originally made; and it is now enacted, that whenever the execution of any order of removal, or of any vagrant pass, shall be suspended by virtue of the said Act, any other justice of peace may direct the same to be executed, and the charges to be paid. And further, "in order to avoid any pretence for forcibly separating husband and wife, or other persons nearly connected and living together as one family, during the dangerous sickness or other infirmity of any of them on whose account the execution of such order of removal or vagrant pass is suspended," it is directed, that in every such case, the execution of the order or pass shall also be suspended with respect to every other person named therein. This was a humane provision, and calculated to prevent the infliction of great hardship, by the separating of families at a time when mutual assistance would be most needed. The enactment of such a provision

1809. 49 Geo. III., cap. 124.

[c] Ante, p. 118.

[d] Ibid.

must, however, independent of all other considerations, be admitted to constitute an argument against the law of settlement, out of which the necessity for such a provision has arisen.

1810. 50 Geo. III., cap. 49.

Churchwardens and overseers, at the end of their year of office, are by the 43*rd of Elizabeth*, directed to submit their accounts to the inspection of two justices of peace, and the 17*th George* 2*nd, cap.* 38,[e] directs this to be done to one or more. But it is now, by *The* 50*th George* 3*rd, cap.* 49, declared to be "expedient that two or more justices should be empowered to examine and correct, and to allow and approve every such account, before the same shall be signed and attested." And it is accordingly directed that the churchwardens and overseers shall submit their accounts to two or more justices at a special session to be held for that purpose, within the fourteen days prescribed by the Act of George the Second for delivering in such account; and the justices are empowered, if they so think fit, to examine into every such account, and to administer an oath to the churchwardens and overseers of the truth of the same, and to disallow and strike out all charges and payments which they deem unfounded, and to reduce such charges as they deem exorbitant, specifying at foot of the account the items disallowed, and the cause for so doing. And if any churchwardens and overseers refuse or neglect to submit and verify their accounts, or within ten days after the passing of the same to deliver to their successors any goods, chattels, or other things remaining in their hands, the justices are empowered "to commit him, her, or them to the common gaol, until he, she, or they shall have made and yielded such account, and verified the same, and delivered over such goods and chattels

Overseers' accounts to be examined, corrected, and allowed, by two or more justices, at a session specially held for the purpose.

[e] Ante, p. 35.

as aforesaid." It is further provided, that if the outgoing churchwardens and overseers neglect or refuse to pay to their successors, within fourteen days from the signing and attesting their accounts, any money or arrearages due or remaining in their hands, the succeeding churchwardens and overseers may, by warrant from two justices, levy such money by distress, and, in default of such distress, the offenders may be committed to the common gaol until payment is made. But in all cases where parties feel themselves aggrieved, there is a right of appeal to the general quarter-sessions, whose decision is final.

This Act was intended, and on the whole was perhaps well devised, for preventing frauds and securing regularity in parish accounts, so far as circumstances at that time permitted. The justices were then probably the only parties to whom the duty of supervision could be confided, and by requiring it to take place at a sessions specially held for the purpose, the legislature seems not unreasonably to have thought that it would be effectually performed. Ample powers are conferred for the purpose, the justices being authorised to strike out, add to, and alter, in any way they deem right, and to enforce their decisions by committing persons who disobey or resist. Yet the annual examination of these accounts, in the manner above prescribed, soon practically became little more than a matter of form. Possibly the habits and position of the justices did not well qualify them for examining and adjusting long, intricate, and sometimes confused accounts; and long, if not intricate and confused, they would necessarily become, as the poor-rates increased and as population extended. Then the hurried inspection of such accounts at a special sessions, would afford small opportunity for detecting errors, and unravelling complexities. As the accounts were presented, so would they in general be passed, unless objected to or

Inefficiency of the audit by the justices.

appealed against, which rarely happened. Another cause of the inefficiency of such a mode of checking these accounts was, that the justices themselves were apt to take different views, one deeming a charge right which another considered wrong, so that there was a diversity of practice in different counties, and sometimes even in the same magisterial division. The only real and effective remedy against fraud and irregularity in parish accounts, would be a general system of audit by competent auditors, acting under definite regulations, and amenable to some single authority, to whom they should all report, and by whose directions they should all be alike guided. This would secure a uniformity of practice, and afford the best means for correcting abuses; but this the country and the legislature were not yet prepared to adopt.

Another proof of the attention paid to, if not of dissatisfaction with, the working of the Poor-Law at this time, is shown by the passing of *The* 50*th George* 3*rd*, *cap.* 50, on the same day with the preceding Act. It recites the 22*nd George* 3*rd*, *cap.* 83[f] (Gilbert's Act), and enacts that any two or more justices may, at any special sessions, direct the rules, orders, and regulations in the schedule of that Act, or any of them, with such additions as the justices may make, to be observed and enforced in the workhouses or poor-houses, or houses set apart for that purpose, of any parish within their respective divisions, and to add to and alter the same; and for carrying into execution such rules orders and regulations, in every parish where they shall be established, every justice of the peace is armed with the powers by that Act vested in visitors of the poor, and the churchwardens and overseers are to have the powers, and are required to perform the duties, of governors of the poor. So far as the

1810. 50 Geo. III., cap. 50.

[f] Ante, p. 89.

introduction of these orders and regulations would be a means of establishing order and regularity in parishes where they did not previously exist, it would doubtless be an improvement, as a system, although imperfect, is preferable to no system at all; and therefore it is very possible that this extension of the principle and provisions of Gilbert's Act may, at the time, have been useful in checking abuse.

1810. 50 Geo. III., cap. 52. Badges abolished.

On the same day with the two preceding Acts, and affording like proof of the attention at this time paid to the subject of the poor, *The 50th George 3rd, cap.* 52, was passed, "to amend so much of the 8*th and* 9*th William* 3*rd, cap.* 30,[g] as requires poor persons receiving alms to wear badges." The provisions of that Act on the subject, and the whippings and imprisonments awarded to offenders who remove or omit to wear the badge, and the punishment of overseers who thereafter shall afford them relief, are recited at length, and then, to the credit of the humanity and intelligence of the times, the whole are repealed.

1811. 51 Geo. III., cap. 80.

The 51st George 3rd, cap. 80, is entitled 'An Act to render valid certain Indentures for the Binding of Parish Apprentices.' It recites the 43rd of Elizabeth, as empowering churchwardens and overseers to bind out as apprentices, the children of such poor persons as are unable to maintain them; and then states, that in small parishes the same two persons are often appointed to the offices both of churchwardens and overseers, and that divers indentures of parish apprentices and certificates of settlement have been signed by them, purporting to be the churchwardens and overseers of such parishes; and that in consequence of the said indentures and certificates not being signed "by distinct persons as churchwardens, and other distinct persons as overseers, they have been or may be deemed to be void;"—to prevent which, it is now

[g] Ante, vol. i. p. 358.

enacted, that all indentures and certificates which have been or which shall be so signed by two persons acting as churchwardens and overseers, shall be deemed valid and effectual; but no decision already made in a court of law is to be thereby affected. Three years afterwards another Act (*The 54th George 3rd, cap.* 107) was passed in reference to the same subject, another blot in the law having been found; for it appears that "divers parishes contain within themselves several townships, hamlets, or chapelries, each separately maintaining its own poor," and having its own churchwardens and overseers; and that, instead of being signed by the churchwardens and overseers of the parish, the indentures of apprenticeship and certificates of settlement have been signed by such overseers and church or chapel wardens, all of which, when so signed, it is now declared are and hereafter shall be deemed good and effectual. Seven years after this, still another Act was passed (*The 1st and 2nd George 4th, cap.* 32), 'For declaring valid certain Indentures of Apprenticeship and Certificates of Settlement,' there being, it is said, "in divers parishes, townships, hamlets, and chapelries, only one church or chapel warden, and divers indentures and certificates having been signed by such single church or chapel warden, and much litigation having arisen between parishes owing to the discovery of such defect." Wherefore it is enacted, that all indentures and certificates of settlement so signed shall be deemed valid.

These Acts afford proof of the antagonism which had now grown up between parishes, through the operations of the settlement law. The apprenticing of poor children under Elizabeth's Act appears to have worked beneficially, and with little friction, for a long series of years, and even the certificates of settlement under the *8th and 9th William 3rd, cap.* 30,[h] seem for a

[h] Ante, vol. i. p. 358.

time to have been attended with less difficulty and inconvenience than might have been expected; but as the amount of the rates increased, and the pressure of the settled poor was more felt, each parish endeavoured to relieve its own burthen by casting as much of the pressure as possible upon others. Hence continual litigation arose, each parish having its own attorney, armed and prepared for either attack or defence, whether, as in the above cases, on account of some defect or loophole in the law, or of some neglect or omission on the part of an adverse parish. Everything was deemed fair, in resisting or enforcing a claim of settlement — a question on which the most astute counsel and attorneys exercised their wits and exhausted their learning, much, no doubt, to the advancement of their own professional reputation, but greatly also to the cost of the parish, and the augmentation of the rates.

The series of amendments exhibited in the above Acts is rather remarkable, and may serve to illustrate the difficulties of legislation, and the care and extent of information that are sometimes required, in order that an Act of Parliament may comprehend all the cases to which it is meant to apply. First it was found that the signature of the same person as a churchwarden and as an overseer did not satisfy the requirements of the law, and this defect was cured by the 51*st George* 3*rd*, *cap.* 80. Then it was discovered that the signatures of the church or chapel wardens, and the overseers of townships and hamlets maintaining their own poor, were not legally binding in questions of settlement, and this blot was cured by the 54*th George* 3*rd*, *cap.* 107. A few years afterwards it came to be known that in divers parishes, &c., there was only one church or chapel warden to sign the indentures and certificates, instead of two, and this difficulty was surmounted by passing the 1*st and* 2*nd George* 4*th*, *cap.* 32.

1814. 54 Geo. III., cap. 91. Great inconvenience is said to have arisen from the time of appointing overseers of the poor being regulated by the moveable feast of Easter, as is directed by the 43*rd of Elizabeth*; and *The* 54*th George* 3*rd*, *cap.* 91, now directs that such appointments shall be made on the 25th of March in every year, or within fourteen days thereafter. This change would doubtless conduce to the convenience of all parties, and it may well excite surprise that any action or event should be still left to depend upon the fluctuating occurrence of a moveable feast, instead of being fixed at a time certain and definite. That we should in the present day recognise such moveable periods at all, is indeed a matter of wonder; but to make other things dependent upon them, is still more so.

1814. 54 Geo. III., cap. 96. A few days after the above, *The* 54*th George* 3*rd*, *cap.* 96, was passed to amend the 5*th of Elizabeth*, *cap.* 4,[1] respecting artificers, labourers, &c. After reciting the provision in Elizabeth's Act, restricting the exercise of "any art, mystery, or manual occupation," to persons who "shall have been brought up therein seven years at the least as an apprentice," all such restrictions are repealed; but there is a proviso specially exempting "the ancient customs, usages, privileges, or franchises of the city of London," from the operation of the Act.

1814. 54 Geo. III., cap. 170. Again, at the end of a few days, the short but important statute of *The* 54*th George* 3*rd*, *cap.* 170, was passed, under the title of 'An Act to Repeal certain Provisions in Local Acts for the Maintenance and Regulation of the Poor, and to make other Provisions in relation thereto.' It recites, "that divers Acts have lately passed containing enactments relative to the maintenance and regulation of the poor, varying the general law with respect of particular districts,

[1] See vol. i. p. 157.

parishes, townships, or hamlets; and it is expedient that some of such enactments should be repealed, and others made general." To which end, all enactments made since the accession of George the First (August 1st, 1714), by which any alteration is made in respect of gaining or not gaining a settlement, are repealed; and it is directed that every person shall be deemed to have acquired a settlement by any of the ways or means he, she, or they would or might have so done, in case such enactment had not been made. It is further directed that children born in prisons, or in lying-in hospitals, or in workhouses, shall follow the settlement of their mothers, and are not to be taken as being settled in the parishes in which these institutions may respectively be situated; and it is moreover ordered that prisoners for debt, and gate and toll keepers, and persons maintained in any charitable institution, shall not thereby gain a settlement.

The *7th section* of the Act directs that no master, governor, or other person intrusted with the superintendence of any house for the reception of poor persons, nor the churchwarden, overseer, or other persons appointed under the authority of any Act for the control or management of the poor, shall "punish with any corporal punishment whatsoever any adult person under his, her, or their care, for any offence or misbehaviour whatsoever, nor confine any such person whatsoever for any offence or misbehaviour longer than twenty-four hours, or such further space of time as may be necessary in order to have such person before a justice of peace." It may readily be supposed that a provision of this kind was necessary, now that the houses of industry and workhouses established under the *9th George 1st, cap.* 7,[k] or under Gilbert's[m] and

Corporal punishment in workhouses, &c., prohibited, and no person to be confined longer than twenty-four hours.

[k] Ante, p. 14.

[m] Ante, p. 89.

local Acts, had become numerous, and were without any adequate supervision. Under such circumstances, undue severity was very likely to be used by the persons in charge of these establishments; and by prohibiting corporal punishment altogether, and limiting confinement to twenty-four hours, a protection was afforded to the inmates, of which we can hardly doubt they stood in need.

The Act further provides, that overseers of the poor may sue on securities given for indemnifying parishes for the maintenance of bastard children, and that any action so commenced is not to be affected by a change of the overseers, pending the same. The inhabitants of a parish are likewise declared to be competent witnesses in any matter relating to its rates or boundaries, or to the settlement or removal of paupers, or the chargeability of bastards, or the appointment of officers, or the allowance of accounts. Paupers ordered to be removed, may be conveyed by any "proper person or persons" employed for that purpose; and the delivery of the pauper by such persons, "shall be as good, valid, and effectual as if the same was done by any churchwarden or overseer." Justices assembled in petty-sessions are likewise, on the application of any poor person to be discharged from the rate, and on proof of his or her inability to pay the same, empowered, with the consent of the churchwardens and overseers, to strike the name out of the rate, and order that such person shall be excused. And it is further enacted, that the goods and chattels of persons neglecting or refusing to pay the poor-rate, shall be liable to be distrained for the same in any other district, if sufficient be not found within the district in which the charge arose.

Justices empowered to excuse payment of rate.

The provisions of this Act are all clear and practical, and show that its framers were conversant with the subject in all its details. The Act originated in the necessity for some remedy to the confusion which had

arisen out of the conflicting enactments in divers statutes lately passed, varying the general law with respect to the maintenance and regulation of the poor. This was its immediate origin; but we see that some of the provisions of those Acts disturbed the law of settlement, and the first care of the framers of the present Act is applied to the reassertion of this complicated and tortuous law, which all persons seemed to view with apprehension, as likely sooner or later to bring a burthen upon them, but which all nevertheless appeared to regard as a certain protection against being burthened; for the same law which enables a parish to remove unsettled poor, compels a parish to receive back its own settled poor whenever they become chargeable elsewhere.

It is recited in the preamble of *The 55th George 3rd, cap.* 137, "that persons relieved and maintained in workhouses often pawn and dispose of their clothes and the goods and chattels belonging to the workhouse, and that poor persons relieved by having clothes and apparel given them frequently pawn and sell the same." For remedy whereof it is enacted, that the property of all goods, chattels, provisions, clothes, tools, and things whatsoever provided for the use of the poor of any parish, shall be vested in the overseers of the poor of such parish, who are empowered to proceed by action or indictment against any person who shall steal, carry away, or buy or receive the same. The articles may be marked in such way as the overseers shall think proper for the purpose of identification, and such mark is in all cases to be taken as sufficient evidence of ownership; but wearing apparel must not be so marked "as to be publicly visible on the exterior of the same," and if any pawnbroker or other person shall knowingly take in pawn, buy, or receive any such goods, tools, clothes, &c., or any of the provisions or other necessaries provided for the use of the poor, or shall be aiding or assisting therein, or shall cause such mark to

1815. 55 Geo. III., cap. 137.

be obliterated—every person so offending is, on conviction thereof by his own confession, or the oath of one or more credible witness, for every such offence to forfeit a sum not exceeding five pounds, nor less than one pound, and in default of payment is to be subjected to imprisonment not exceeding two months. Any persons maintained in a workhouse who refuse to work, or are guilty of drunkenness or other misbehaviour, are, on conviction thereof before a justice of peace, to be committed to hard labour in the house of correction for a term not exceeding twenty-one days.

The 6*th section* further enacts, that no churchwarden, overseer of the poor, or other person concerned in the collection and disbursement of the rates, "shall in his own name, or in the name of any other person, provide, furnish, or supply any goods, materials, or provisions for the use of any workhouse, or for the support and maintenance of the poor in any parish for which he shall be appointed, nor shall be concerned, directly or indirectly, in furnishing the same, under pain of forfeiting one hundred pounds, with full costs of suit, to any person who shall sue for the same." But it is provided that if no other person can be found within a convenient distance willing to supply the said articles, then upon oath of such inability two or more justices may, by certificate under their hands and seals, permit the churchwardens, overseers, or other persons to contract for supplying any such articles as may be required. It is likewise directed that the churchwardens and overseers, or other persons having the management and control of the poor, shall give public notice of all contracts they intend to make, and the security they will require for the due performance thereof, "to the intent that any person or persons willing to undertake the supplying the same may make proposals for that purpose."

Churchwardens and overseers, &c., not to furnish articles for the use of the poor.

The above provisions of this Act, like those of the

Act last before quoted, are of a practical nature, and are well calculated to prevent abuse, and secure good management, in the application of the moneys levied for the relief of the necessitous poor. The provisions contained in the *3rd and 4th sections* are however of a different character, and require separate consideration.

The *3rd section*, after reciting the *36th George 3rd, cap.* 23,[n] which empowers a justice to order relief to be given to poor persons at their own homes for one month, and two justices to do the same for another month, declares it to be "expedient that justices should be empowered to order relief to poor persons for longer periods than one month," and then enacts that any justice of peace, in the cases and manner mentioned in the said Act, may order relief to any poor persons at their own homes for such time, not exceeding three months, as to such justice may seem proper; and any two justices are empowered to make a further order for like purpose for any further time not exceeding six months; "and so on from time to time as the occasion shall require, such justice or justices first administering an oath as to the need and cause of such relief in each case." The justices may however stop the relief at any time, if they deem it to be no longer necessary. The money which justices are thus empowered to order to be paid to any poor person for a longer period than one month, is by the *4th section* limited to three shillings a week, "or three-fourths of the average weekly expense for the maintenance of a poor person in any workhouse in which poor persons of or belonging to such parish shall be usually maintained."

The partial opening made by the *36th George 3rd, cap.* 23,[o] is thus, we see, greatly enlarged by the present Act, and the wholesome restriction upon justices in ordering relief imposed by the *9th George 1st, cap.* 7,[p] is

[n] Ante, p. 122.

[o] Ibid.

[p] Ante, p. 14.

practically removed. The justices are now, in fact, made judges of the occasion or necessity for relief in any case, instead of the overseers; and as their social position and habits of life place them at a distance from the poorest class, and prevent their seeing or knowing so much of it as is seen and known by persons in the usual grade of overseers, they are necessarily less qualified for judging of its wants and its means of supplying them. It may also be remarked, that they are more likely to have their sympathies excited and their minds influenced by a tale of distress, real or fictitious; and they have not the same ready means of ascertaining the truth which persons in a less elevated rank of life possess—on all which accounts it is to be lamented that the justices were given such large discretionary powers in administering the law, a circumstance to which the subsequent rapid increase of the poor-rates has been mainly attributed; and it no doubt tended to this result, although there were other causes arising out of the events of the period largely operating in the same direction.

The 56*th George* 3*rd*, *cap.* 129, commences with the same recital as the 54*th George* 3*rd*, *cap.* 170,[q] recently noticed, and then proceeds to repeal all enactments made since the accession of *George the First*, in which any poor persons, except such as apply for and receive parish relief, "are made compellable to go or remain in any house of industry or workhouse, after such persons are capable of maintaining themselves," or until the expenses to which the parish or district may have been put for the maintenance of any such person, or his or her family, shall be reimbursed by the labour of such person, or whereby any poor child is rendered liable to be apprenticed to a master, governor, or director of any house of industry or workhouse, or by which any parish, situate at a greater distance than

1816. 56 Geo. III., cap. 129.

[q] Ante, p. 158.

ten miles, shall be empowered to contribute to any house of industry or workhouse;[r] or whereby the directors, governors, guardians, or master of any house of industry or workhouse are authorised "to hire out any poor persons of full age, or to contract or agree with any person to have and take the profit of their labour"—all such enactments are by the present Act repealed.

The masters or governors of houses of industry and workhouses were prohibited by the *54th George 3rd, cap.* 170,[s] from inflicting corporal punishment on any poor persons in these establishments, or confining any of the inmates for drunkenness or misbehaviour longer than twenty-four hours. The *2nd section* of the present Act declares that "it shall not be lawful for the governor or master, &c., of any house of industry or workhouse, on any pretence, to chain, or confine by chains or manacles, any poor person of sane mind." It may perhaps seem that such a prohibition could hardly have been necessary, and yet, if there had not been instances of the thing being done, this specific enactment declaring it to be illegal would not have been passed; and that it was so, may be taken as another proof of the liability to abuse inherent in all power, whatever its nature, however acquired, or by whomsoever possessed; and here it may not be out of place to remark, that the prominent impulse of the period under consideration, was to scrutinise its action, correct its abuses, and limit its range.

Apprenticeship and settlement naturally commingle, apprenticeship giving a right of settlement, and settlement in a parish often leading to the children's being bound out as apprentices. Each we have seen has given rise to much legislation, and both are fruitful sources of litigation. The law of Elizabeth,

1816. 56 Geo. III. cap. 139.

[r] This limit of ten miles was again re-established by the Poor Law Amendment Act, 4th and 5th William IV., cap. 76.

[s] Ante, p. 158.

as has been before observed, worked well until it became entangled with that of Charles the Second, the evils and complexities of which it helped to increase. *The 56th George 3rd, cap.* 139, to which we now direct attention, is entitled 'An Act to regulate the binding of Parish Apprentices.' Its preamble recites, "that many grievances have arisen from the binding of poor children as apprentices by parish officers to improper persons, and to persons residing at a distance from the parishes to which such poor children belong, whereby the said parish officers and the parents of such children are deprived of the opportunity of knowing the manner in which such children are treated, and the parents and children have in many instances become estranged from each other." This superseding of the law of nature by the law of apprenticeship, was doubtless an evil of serious magnitude; but it was aggravated by "the permission given to apprentices by the persons to whom they have been bound, to serve others without formal assignment, whereby the discretion to be exercised by magistrates in placing out apprentices to suitable persons, is frequently rendered of no avail."

For remedy of these evils, it is now enacted, that before the overseers bind any child apprentice, they shall carry it before two justices of peace, who are to inquire into the propriety of binding such child to the person proposed, and whether such person resides within a reasonable distance, not exceeding forty miles, from the parish or place to which the child belongs, "and having regard to the means of communication."[t] After such inquiry, and also if they see fit examining the parents, the justices are empowered to make an order for binding such child accordingly, and are to sign the indenture of apprenticeship "before the same shall be executed by any of the

Justices to inquire into the propriety of apprenticing poor children to particular persons, &c.

[t] There is a special exception from this limit in the case of the city of London.

other parties thereto." When it is intended that the child shall be apprenticed into a parish in another county, notice must be given to the overseers, and the indenture is to be signed by two justices of such county, as well as by two justices of the county from which the child is bound. Children are not to be bound until they have attained the age of nine years, and no settlement will be gained by the apprentice unless these directions are complied with, and overseers acting contrary thereto are subject to a penalty of ten pounds. Masters are required to give at least fourteen days' notice of removing their residence, when inquiry is to be made "whether it may be fit and proper that the apprentice should continue in the master's service, or be discharged therefrom, or bound or assigned over to some other person," and the justices are to make an order accordingly. Masters wilfully abandoning their apprentices, or removing and taking their apprentices with them without such order, or omitting to give the required notice, are to forfeit the sum of ten pounds.

The *9th section* declares it to be expedient that those to whom parish apprentices are bound or assigned, should be empowered to place out or assign over such apprentices to others, but that this should be done subject to the control of justices of peace. Wherefore the provisions of the *32nd George 3rd, cap.* 57,[u] in this respect, are ordered to be enforced, and masters and mistresses are prohibited under a penalty of ten pounds from putting away or transferring to another any parish apprentice, "without such consent of justices as is directed by the said Act;" and no settlement is to be gained by any service of an apprentice put away or transferred, "unless such service shall have been performed under the sanction of such consent as aforesaid."

[u] Ante, p. 111.

All the provisions of this statute are considerately framed for the protection of a class helpless through youth, and consigned by the vices or misfortunes of their parents to the charge of the parish authorities, who are apt to regard them as burthens to be got rid of, the readiest way to which was by apprenticing them elsewhere, and thus transferring their settlement to some other parish. That the poor children would under these circumstances be subjected to ill-treatment, it is impossible to doubt; and the legislature appears to have felt that it was incumbent upon it to do its utmost towards mitigating an evil, which had in a great degree arisen out of its own laws of apprenticeship and settlement, of which laws it was almost a necessary consequence.

We must now turn from matters exclusively appertaining to Poor-Law, and briefly notice the events which occurred in the first fifteen years of the century. The Peace of Amiens, so called, can hardly be said to have amounted to a peace, but was rather a pause in the war, and an attempt to ascertain how far it would be safe to abstain from hostilities, whilst so aggressive a spirit existed in the government of France, directed as it was by the high talents and military genius of the then first consul. The peace was signed on the 27th of March, 1802, and the war was resumed on the 17th of May, 1803. In May of the following year Bonaparte was proclaimed Emperor, and in May, 1805, he was crowned King of Italy. These were rapid strides, but in the interim Austria had been compelled to submit to French ascendancy, and shortly afterwards the power of Prussia was annihilated, Holland and Belgium were declared integral portions of the French empire, and after sanguinary conflicts Russia became an ally of France, Portugal was conquered and the royal family expelled, and partly by fraud and partly by force Napoleon's brother was seated on the throne

of Spain—in short, the whole of Europe, with the exception of Great Britain, may be said to have been subjected to the control of the French emperor, who directed the vast power he had thus acquired against England. The great naval battle of Trafalgar, in which our heroic Nelson fell in the arms of victory, probably saved England from the horrors of invasion; and thus baffled in his direct attempts, Napoleon sought by his well-known Berlin and Milan Decrees to destroy her commerce, which he rightly judged to be the source of her wealth and the chief foundation of her strength.

That the commerce of England should be embarrassed, her industry impeded, and her population subjected to privation, were the ordinary consequences of war; but these consequences were, in the present instance, increased by the Berlin and Milan Decrees, which aimed at the total exclusion of this country from intercourse or communication with the continent. The English government sought to counteract these decrees by issuing certain orders in council, the object of which was to prevent the intercourse of other countries with France and the territories subject to French control; but it is a question whether, as regards England, the mischief was not rather increased than lessened by these orders, which moreover eventually led to a rupture with the United States of America, who (forgetful of their origin and the cause of independence for which England was contending) had throughout leant to the side of France, and in June 1812 declared open war against this country, which continued with much inveteracy and great mutual injury, until it was put an end to by the Treaty of Ghent at the end of 1814.

In the summer of 1812, Napoleon with an army of 450,000 men invaded Russia. On the 14th of September, and after much hard fighting, he entered Moscow, a great part of which, through accident or design, was shortly afterwards destroyed by fire. On

the approach of winter, he was compelled to quit Moscow and seek for safety in retreat, during which his army was almost annihilated, partly by the Russians, and partly by the inclemency of the season. Napoleon himself escaped and reached Paris on the 18th of December, and immediately set about repairing his frightful losses. The Russian people suffered greatly through this invasion, and the British parliament in 1813, voted 200,000*l.* towards their relief. The influence of the French emperor was so far lessened, and his power so much reduced by the results of the Russian campaign, that the other powers thought the time had arrived for regaining their independence, and they accordingly united for the purpose. Napoleon struggled hard to maintain his ascendancy, but at length he was compelled to recede before the banded armies of Europe.

England had afforded prompt assistance to Portugal in expelling its invaders, and as soon as the Spanish people manifested a desire of releasing themselves from the thraldom to which they were iniquitously subjected, like assistance was extended to them. After a series of brilliant campaigns commencing in 1808, and of which in interest and importance our annals afford no other parallel than those of Marlborough, the British army under the Duke of Wellington finally advanced from the banks of the Tagus to the gates of Paris. The English army had entered France early in October, and after the battle of Leipsig on the 19th of that month, no alternative was left to Napoleon but to fall back and defend his own territory, instead of assailing others. It must be confessed that he strove with consummate skill and great bravery to repel the invasion which his insatiable ambition had brought upon his country, but it was all in vain. The allied armies advanced from the north and from the south, bearing down all opposition, and entered Paris together on the

31st of March, 1814. Napoleon had risen by the sword, had relied on the sword, and by the sword he now fell—a fitting retribution. His abdication immediately followed; but he was still permitted to retain the imperial title, and had the island of Elba assigned to him in sovereignty. The old French monarchy was restored, Louis the Eighteenth being called to the throne which Napoleon had abdicated; and now, the great cause and author of war being removed, it was thought the peace of Europe was secured.

The peace however proved of short duration, for on the 26th of February in the following year, Napoleon suddenly made his appearance on the coast of France—was received with acclamation by the army, and with acquiescence by the nation, and another struggle commenced. The Congress of European powers then assembled at Vienna forthwith declared him an outlaw, a violater of treaties, and a disturber of the peace of the world, and delivered him over to public vengeance. A general alliance was formed, armies were assembled, and England was not sparing either of men or money in the cause. Great efforts were on the other hand made in France, and on the 16th of June Napoleon crossed the frontier with an army of 125,000 men, chiefly veterans trained in his former campaigns, and fell upon the allies then assembled in Belgium. But this was only preliminary to the concentrated attack upon Wellington's army in front of Brussels two days afterwards (18th June), when, after a lengthened contest and fearful slaughter, the French were defeated on the field of Waterloo, and the Prussians under Blucher (who had been compelled by superior force to fall back on the 16th), coming up at the close of the day, entered upon the pursuit of the discomfited legions and completed their dispersion. Bonaparte fled first to Paris, and then to Rochfort, where he took refuge on board an English

1815. 18th June, Battle of Waterloo. 8th July, Louis XVIII. resumes the government.

ship-of-war, the Bellerophon, and was afterwards conveyed to St. Helena. On the 7th of July the allied armies again entered Paris; and the day following Louis the Eighteenth quietly resumed the government, and Europe was once more at peace. In this instance the peace has been of unusual duration, and has continued unbroken for a period extending beyond the limits of the present work, which will render it unnecessary again to revert to the subject in our further investigations with reference to the Poor-Law.

Revenue, expenditure, and national debt.

The events which have been thus briefly noticed as occurring between the re-commencement of the war in 1803 and its final termination in 1815, could not have taken place without causing a very large expenditure, especially in the three latter years of the war, when it became necessary for England to aid largely in equipping and maintaining the armies of the other powers combined against France. The amount raised yearly by taxation, which had been 35,415,096*l.*[x] at the time of the Peace of Amiens in 1802, was increased to 72,210,512*l.* in 1815, and in addition to the immense revenue thus levied, a sum not far short of two hundred and fifty millions was raised on loan and by Exchequer bills between 1802 and 1816. In the last three years of the war, 1813, 14, and 15, the amounts altogether raised exceeded a hundred millions annually. With such an expenditure we must be prepared for a large increase in the national debt, which on the 1st of February 1803 was, we have seen, 520,207,101*l.*,[y] but on the 1st of February 1817 it was 758,646,654*l.*, whilst the annual charge thereon had increased from 18,643,725*l.* at the former period, to 27,652,012*l.* at the latter.[z]

So large an absorption of capital as is above shown

[x] See ante, p. 134.
[y] See ante, p. 133.
[z] See Mr. Porter's work on the Progress of the Nation.

to have taken place, without any corresponding return, must doubtless have been felt in every branch of industry; yet the productive powers and resources of the country were maintained with wonderful energy throughout the entire period; and although the Berlin and Milan Decrees, followed by our own orders in council, operated injuriously, and imposed decided checks upon commerce in the first few years after their promulgation, we find that these obstructions were gradually overcome, and that the exports, which in 1805 amounted in official value to 31,020,061*l.*, had risen to 46,292,632*l.* in 1809, and to 53,573,234*l.* in 1814; the imports at the three periods respectively being 28,561,270*l.*, 31,750,557*l.*, and 33,755,264*l.* Imports and exports.

After two seasons of deficiency and dearth, the first year of the century brought abundant crops; and wheat, which in the early part of 1801 was 129*s.* 8*d.* a quarter, fell in the latter part of the year to 75*s.* 6*d.*[a] The two following years yielded average crops, and the price further fell to an average of 57*s.* 1*d.* in 1802, and to 52*s.* 8*d.* in 1803, and in the early part of 1804 to 49*s.* 6*d.*; but the harvest having, contrary to expectation, proved greatly deficient, the average price at the end of that year rose to 86*s.* 2*d.* the quarter. In the two following years the price fluctuated between 98*s.* 4*d.* and 74*s.* 5*d.*, and at the end of 1807, the crop having been tolerably abundant, it fell to 66*s.* The four following seasons were however all more or less unfavourable, and notwithstanding considerable importations from abroad, prices rose to a high level, being 92*s.* at the end of 1808, 102*s.* 6*d.* in December 1809, 116*s.* in August 1810, 87*s.* 2*d.* in July and 106*s.* 6*d.* in December 1811. The year 1812 was still more unfavourable, and in August the Prices of wheat.

[a] For these and the following quotations of price I am indebted to Mr. Tooke's valuable work on the subject.

gazetted average price of wheat for England and Wales was 155*s.*, but by December it had fallen to 121*s.* In 1813 there was an abundant harvest, and the price fell in December to 74*s.* 11*d.* The harvest of 1814 was less productive, but the surplus of the last year and the importations from abroad after the continental ports had been opened by the success of the allies, brought the price down to 70*s.* 4*d.* in December, and there was a corresponding fall in most other commodities. The season was favourable and the crops good in 1815, and notwithstanding the short war after Bonaparte's return from Elba, prices continued to fall, and in December wheat was only 55*s.* 7*d.* a quarter. But in 1816 the harvest proved deficient both in quantity and quality, as well on the continent as in England, and prices rapidly rose till in December wheat averaged 103*s.* 7*d.*, and 112*s.* 8*d.* at Midsummer of the year following. The harvest in 1817, however, proved to be little short of an average, and there was a considerable importation, so that the price receded to 84*s.* in December, about which rate it continued throughout the whole of 1818. The seasons were favourable and the crops good in 1819, and wheat fell to 68*s.* 10*d.* at Midsummer, and to 66*s.* 3*d.* in December of that year. The harvest was very abundant in 1820, and the downward price continued, till at the end of 1822 it averaged only 38*s.* But the harvest of 1823 proving deficient, it rose in 1824 to 65*s.* 10*d.*, between which price and 50*s.* it continued for the most part to fluctuate until 1835, in December of which year, the crops having been most abundant in that and the year preceding, the average price of wheat was 36*s.* the imperial, or 34*s.* 11*d.* the Winchester quarter.

This notice of the prices of wheat in successive years, need not for our immediate purpose have been continued beyond 1817, the end of the period under consideration; but by extending it as above, any further

notice on the subject will hereafter be rendered unnecessary. The general rise of prices in the early part of the century, and the high range they occasionally attained, have been variously accounted for. Mr. Tooke considers the changes which took place to have been the natural consequences of abundance and scarcity, low prices being caused by one, and high prices by the other, and he adduces cogent reasons in support of his views on this point. Other authorities again attribute the rise of price to a depreciation in the currency, and its fluctuations to an excessive or restricted issue of Bank of England paper. But it seems most likely that all these causes were in operation, and to some extent effective, at the period in question; and also that there were others perhaps equally so, arising out of the startling events of the war, the uncertainties of commercial enterprise, and our exclusion from direct intercourse with the continent.

Wages.

Whatever may have been the cause of the rise which took place during the period under consideration, in the price of all the articles necessary for sustaining life, the effect must at the time have borne hard upon those who lived by labour, and must have exposed the working classes generally to much privation; for wages neither rise nor fall in immediate, nor in exact proportion to the changes of price. Mechanics and operatives in towns, might succeed in obtaining an advance of wages in some degree commensurate with the advance in prices; but such would not be the case with labourers generally, nor with the agricultural labourers in particular—the advance they obtained was too often, if not most commonly, in the shape of relief from the poor-rate. In a debate on the presentation by Mr. Calvert, in 1817, of petitions from two parishes in Dorsetshire[b] complaining of the burthen of

[b] See 'Hansard's Debates' for March 7th, 1817.

the poor-rates, which in one amounted to 19*s.*, and in the other to 21*s.* in the pound, Lord Castlereagh, whose official position afforded him the means of obtaining the best information, expressed his conviction "that in cases where 19*s.* or 20*s.* in the pound were paid for poor-rates, 15*s.* of that would be found to be wages paid in the shape of poor-rates," for that the farmers had been long in the habit, in many parts of the country, of paying a great proportion of the wages of farm-labour out of the poor-rates. We have seen that one mode of effecting this, was regulating the allowance according to the number of children, as is shown in the so-called "Berkshire Bread Scale,"[c] which soon got to be the general practice in the southern and midland counties —a practice than which nothing could be devised more fitted for breaking down the habits of self-reliance, which constitute the strength and ought to secure the independence of the working classes.

Mr. Tooke states that a rise in wages, although far short of the rise in other prices, did take place, "partly permanent and partly temporary and variable, including under the latter description parish allowances," and he adds that this rise reached its maximum about 1812. Down to 1812, therefore, the cost of subsistence was in advance of the wages of labour. The same may be said to have continued with little exception during the next five or six years, and discontent and disturbance, the invariable concomitants of distress, prevailed at times throughout the whole period. But after 1818, owing to favourable harvests, the downward range of prices continued to prevail. Peace and reduced taxation must have tended greatly to benefit the working classes, and enabled them to obtain an unusually large share, not only of the necessaries, but also of what may be called the luxuries or comforts of life; and it probably was not until 1825 that the ordinary relation between

[c] See ante, p. 137.

wages and subsistence was restored. Even then, however, there was an exception, for the evil practice of a former day was continued in many of the agricultural districts, where wages were habitually eked out or made up by an allowance from the poor-rates.

Poor-rates.

We have estimated the amount expended for relief of the poor in 1801 at 4,100,000*l.*[a] It appears by returns to parliament, that in 1813 the amount had increased to 6,656,106*l.*, exclusive of 324,957*l.* expended in law-charges; and that five years afterwards, in 1818, the entire expenditure reached its maximum amount of 7,870,801*l.*, from which it receded in 1820 to 7,330,254*l.* The nation might well feel alarmed at the rapid growth and enormous amount of this burthen, no less than at the demoralising influences of the system on the labouring portion of the population, who appeared year after year to be approaching nearer and nearer to a state of universal pauperism. The question was much discussed both in and out of parliament, and in 1817 a committee, presided over by Mr. Sturges Bourne, was appointed to investigate the subject, with a view to devising a palliative if not a remedy for the evil; and the result of its inquiries and deliberations was given in a report, to which we shall shortly have to refer.

Population.

The population continued steadily to increase, little affected apparently by the waste of war, and by the pressure of distress through bad seasons and high prices in the earlier years of the century. By the census taken decennially, we find that the population of England and Wales was—

In 1801	9,872,980
In 1811	10,150,615
In 1821	11,978,875
In 1831	13,897,187
In 1841	15,906,741
And in 1851	17,927,609.

[a] See ante, p. 139.

The population, the rate of wages, the price of provisions, and the poor-rates, are all closely connected; and what has just been stated with respect to each will, it is believed, be at present sufficient for enabling the reader to appreciate the circumstances of the period; and we will therefore now proceed with our general narrative.

Speech of Mr. Curwen on moving for a committee to consider the Poor Laws, February 21, 1817.

The Report on the Poor Laws by a select committee in 1817 has just been referred to. This report, and the discussion which took place in the House of Commons previously to appointing the committee, are important incidents, and require to be dwelt on at some length. The motion for the committee was made by Mr. Curwen,[e] who stated that he did not attribute the evils which had arisen, to the *Act of Elizabeth*, the wisdom and humanity of which did honour to its originators; but to those who administered relief under it, in a way evidently foreign from the intention of that Act. That it was never designed to give a right of support to persons who by the practice of frugality sobriety and industry might have supported themselves, and who became chargeable through their own misconduct. That it never was intended that men should anticipate parish relief as a means of support for themselves and their families, nor that they should be exonerated from all concern about their own well-being—these were evils which had arisen out of the administration of *Elizabeth's* Act. That for two hundred and fifty years the attention of legislators had been directed to the consideration of expedients to stop the growing evil, the increase of which, since we have become a manufacturing people, "has been out of all measure and calculation rapid;" and that if the same system were continued, it would swallow up the whole revenue and industry

[e] See Hansard's 'Parliamentary Debates,' February 21, 1817.

of the country, and extinguish every vestige of respectability and happiness among the poor, as "each successive augmentation of the burthen had been attended with a proportionable increase of misery." "What," he asked, "are the poor-rates in many places but a mode of payment of wages, and that of the very worst sort, as it breaks the spirit and destroys the independence of the labourer?" In order to effect a cure, he considered a complete alteration in the whole system to be necessary.

The change Mr. Curwen proposed was, that incomes arising from the public funds, personal property, and stock in trade, should pay a poor-rate of 10 per cent., whilst incomes from land should pay 12½ per cent., and that the working classes should likewise be required to make "a small weekly sacrifice of 2½ per cent. on the produce of their labour." By thus combining the earnings of labour with contributions from other sources, and associating the working classes in their distribution, he thought greater economy would be secured, and at the same time the character of these classes would be raised and improved. He was further of opinion that, "where men contributed towards their own maintenance, the laws of settlement might be rendered more simple; there would be less apprehension of men becoming burthensome by acquiring settlements; and the endless litigation that then absorbed so large a portion of the rates would be avoided." He admitted that there were difficulties in the way of rating personal property and stock in trade, and likewise that there might be reasons against rating the funds; but all these objections he thought of little weight compared with the good that would ensue, and he appealed to Lord Castlereagh, then representing the government in the Commons, to support his proposition for a committee "to consider the Poor Laws, and to report their observations thereon to the House."

Speech of Lord Castlereagh, supporting the appointment of a committee to consider the Poor Laws, February 21, 1817.

Lord Castlereagh, whose business habits well fitted him for investigating the subject, at once declared his readiness to support inquiry and serve on the committee, although he might entertain doubts whether Mr. Curwen's views could be realized. The subject, he said, was one of the very utmost importance to the safety and prosperity of the country, and to which the mind of government ought to be turned above all others; for if no means could be found "of inspiring the population with the wish to live rather on their own labour than on what they could draw from the labour and property of others, he firmly believed that the English people would not in future ages be what they had been in times past." He contrasted the English practice in regard to the poor, with that of Scotland and Ireland, and gave the preference to the latter. The present system, he said, "not only went to accumulate burthens on the country which it could not continue to bear, but to destroy the true wealth of the poor man, the capability of making exertions for his own livelihood; for if pecuniary relief went on with the laxity which now prevailed, and all the cunning of uncultivated minds was to be directed to the means of escaping from labour, and enjoying the fruits of the labour of others, a national calamity might be said to be overtaking us by a double operation—in the increased burthens imposed upon the country, and the diminution of the industry from which its resources were derived." Without innovating on the existing law, "he apprehended that no proposition was more clear, than that when a man possessed bodily ability to work, the performance of work might be made the criterion of the condition entitling him to relief. If that were made the basis of the Poor Laws, there was hardly a parish in England where the industry of those able to work, and applying for relief, might not be turned to advantage." And

he added, that "he would push this principle so far, that he would rather employ the labouring poor to dig a hole one day and make them fill it up again the next, than allow them to remain idle." He instanced a parish with which he had some connexion, where the administration of the Poor Laws was in the hands of a woman, and where all sorts of tricks were resorted to by idly-disposed persons to avoid labour. To counteract these tricks, and prevent the misapplication of the funds, required an officer of experience. "He thought they could not do the parish business well without a permanent officer; and that an officer paid by the parish, who would devote his whole time and attention to the administration of the Poor Laws and the charge of the poor, might execute the business more skilfully and beneficially than it was executed at present."

With reference to Mr. Curwen's proposition for rating personal property, Lord Castlereagh observed that he recognised the principle, but he thought it might be collected, from its not having been done "up to the present day, that there was some difficulty hanging about it;" and he cautioned the honourable gentleman against supposing that nothing was wanting but to determine that it should be done. "The difficulty was the getting at personal property by taxation. On former occasions it had been found difficult to make personal property liable to assessment for the state, and he was persuaded the difficulty would not be diminished in an attempt to render it liable to assessment for the poor." He wished them to go into the committee with the large views and liberal spirit of statesmen who were determined to remove an acknowledged evil, or to show, by their exertions, that if it was allowed to continue, it was owing to unavoidable circumstances, and not to supineness on the part of the House, or from a reluctance to struggle with the difficulties that presented themselves. They were about to

struggle with one of the greatest difficulties that ever legislation had to struggle with, and a difficulty that the whole legislation of the country had hitherto gone to augment." He declared that he would go into the committee with his mind open to conviction, and with the deepest impression of the immense importance of the subject, but at the same time with the highest sense of its difficulties; no other question, he said, "went so deeply to affect the happiness of the whole community."

Lord Castlereagh's speech, of which the above is merely a sketch, was of extreme importance at that juncture. It made known the views of the government of which he was the ostensible leader, and it gave a tone to the sentiments and legislation of the period. His conciliatory manners, clear practical judgment, and perfect knowledge of business, gave much weight to whatever he uttered, and generally carried the House with him, although his mode of speaking was often deficient in perspicuity, and not always correct in expression. His support secured the immediate appointment of the committee, which was presided over by Mr. Sturges Bourne; and after devoting four months to deliberation and inquiry, and examining many persons from all parts of the kingdom, the committee presented its report on the 4th of July. Of this report I will now endeavour to give the substance. It contains the first comprehensive investigation of the subject which has yet taken place, and it claims especial notice on that account, as well as on account of the great importance of the subject, and the high character and qualifications of the committee from whom the report proceeded.

Report of the select committee on the Poor Laws, July 4, 1817.

The report commences by declaring the 43*rd of Elizabeth* to be the "fundamental and operative law" at the present day. It then points out the evils arising from a compulsory contribution for the indigent, from the funds originally

accumulated from the labour and industry of others; and adverting to the increased number of the poor, and the increased and increasing amount raised for their relief, it expresses a fear that the system is perpetually increasing the amount of misery it was designed to alleviate, and creating at the same time an unlimited demand on funds which it cannot augment. The progress of these evils is thought to have been accelerated "by the circumstances of modern times, by an extension of the law in practice, and by some deviations from its most important provisions;" but how much is attributable to one cause, or how much to another, it does not profess to determine.

"Under this impression respecting the effects of a system which, having been in operation upwards of two centuries, has become interwoven with the habits and very existence of a large class of the community," the committee proceeded to consider whether it was practicable, or expedient, to extend the rating for relief of the poor to personal property and the public funds, and with respect to both decided in the negative; but they recommended, that in large towns power should be given to rate the owner of a tenement instead of the occupier. They are also favourable to limiting the rate to a certain amount, as is done in some local Acts; but they are decidedly adverse to making the rate a national instead of a parochial charge, as has, it is said, been suggested to them "from various respectable quarters." The committee then emphatically declare it to be their opinion, that whether the assessment be confined to land and houses, or that other property be made liable to the charge, unless some check be interposed, the amount will continue to increase till it has absorbed the profits of the property on which the rate is assessed, "to the neglect and ruin of the land, the waste or removal of other property, and the utter subversion of that happy

order of society so long upheld in these kingdoms." What number of years would probably elapse before the utmost limit of assessment would thus be reached, the committee think cannot be accurately ascertained; "but at whatever rate the increase might take place, it could not fail materially to depend on the general state of the country, whether it was in an improving, a stationary, or in a declining state, and it would also be affected by the recurrence of plentiful or deficient harvests." This latter portion of the committee's opinion may, to some extent, be regarded as corrective of the first, but there is no contradiction, and they were warranted in both: for the poor-rates could not go on increasing in the way they latterly had done, without destroying the source whence they were obtained; and the state of the country and condition of the crops would no doubt accelerate or retard their progress, according as these circumstances were favourable or otherwise.

Industrial schools.

Mr. Locke's recommendation of industrial schools[f] is strongly advocated by the committee, who are of opinion that "if the large sums now given to parents were bestowed on the maintenance of their children in such schools, it would probably more than defray the expense of such an institution;" and also that it would prove a remedy for the practice which has prevailed, especially in the southern counties, of defraying what should be the wages of labour out of the poor-rates, according to the number of the family, the amount of earnings, and the price of bread.[g] Such a practice is declared to be not only at variance with the law, but by placing the idle and industrious upon an equal footing, it destroys every

Payment of wages out of rates.

[f] See ante, vol. i. p. 372.

[g] This is the Berkshire Bread-scale: see ante, p. 136.

motive to exertion, and has, the committee think, "familiarised the labourer to a dependence upon the parish which he would formerly have considered a degradation, has imposed upon those ratepayers who employ no labourers a most unjust burthen, and swelled the amount of the assessment to a degree that makes it impossible to ascertain how much should be considered as relief, properly speaking, and how much as wages."

Workhouses are briefly noticed in connection with employment, the committee declaring that they "are aware how very frequently workhouses have been condemned, as little corresponding with the denomination they have received, and being rather in truth in many instances houses of idleness and vice." But still, as far as they can judge from the imperfect materials before them, they believe that great benefit has been derived from such institutions, in every case in which they have been superintended by the principal inhabitants of the district, and that their success and advantage depend almost wholly on that circumstance.

Workhouses.

The impossibility of always providing employment for all who may be in want of it, as the 43*rd of Elizabeth* was then interpreted to require, is carefully pointed out; and it is shown, that the number who can be employed depends upon the amount of the fund applicable to the maintenance of labour, and that to hold out to the labouring classes that all who require it shall be provided with work at adequate wages, is to lead them to form false views of their position, the demand for labour depending on the amount of wealth by which it is supported, and the rate of wages depending on the proportion that demand bears to the supply. On the way in which this demand and this supply are adjusted, the condition of the people must depend. If the demand for labour increases faster than the supply, wages will be high; if, on the con-

Impossibility of always providing employment.

trary, the waste or diminution of wealth should reduce the demand for labour, wages will fall, and the comforts of the labouring classes will be reduced. No legislative enactment, nor artificial mode of employment by the Roundsman system or any other, can counteract or materially alter these results; and the only palliative or shield against the pressure of a short demand for labour, will be the exercise of industry and provident forethought whilst it is abundant.

It is not a little singular, that after the above conclusive reasoning, of the force of which the committee appear to be fully sensible, they should speak favourably of establishing parochial farms as a means of affording employment. They were seemingly influenced to do this, by an example or two of apparently successful practice in the county of Kent; but no partial or isolated example of the kind, should have been permitted to overrule a general principle.

Assistant overseers and select vestries.

The committee recommend the appointment of assistant or paid overseers, and also that parishes should be enabled, "either singly or in union with others, to establish select vestries for the purpose of managing the parochial concerns." In such a body, the committee say, might be vested the discretion, so much wanted, of discriminating between the claims of the idle and the industrious; and it is hoped that their decisions may supersede those frequent appeals to the magistrates, which have precluded proper attention being paid in every case, "and perhaps suggested the adoption of that scale of relief which has been applied indiscriminately to those whose earnings, so measured, were found insufficient for their maintenance." [h] It is considered that one thing in which the discriminating power of a select vestry might be exercised with advantage, would be in advancing relief

[h] This applies to the Berkshire Bread-scale: see ante, p. 136.

by way of loan, for the immediate support of the family whose earnings had been improperly squandered, such relief to be repaid by instalments; and this might be extended to Greenwich and Chelsea pensioners. But it is well remarked, that the efficacy of the above, or any other expedients which can be suggested, must depend upon "those who are most interested in the welfare of a parish taking an active share in the administration of its concerns. Without this no benefit will be derived from any amendment that can be made in the details of the system, and with it, even under the existing law, much may be effected."

Parochial benefit societies.

With the view of withdrawing the working-classes from a dependence upon the parish, and giving them habits of self-reliance and forethought, the committee recommend the establishment of parochial benefit-societies, essentially similar to those proposed by Baron Maseres and Mr. Acland.[1] Mr. Morgan, the eminent actuary, was examined on the subject, and tables of contributions and allowances were ordered to be prepared for carrying the scheme into effect; and in order to diminish "the allowances distributed in most parts of England to the labouring poor by reason of the number of their children," it is further recommended, that parishes should be enabled "to pay for the admission into such societies of persons having large families, and receiving relief on that account. But it is considered essential, that whatever may be the contribution in the first instance, the parish should have the power of reducing prospectively its proportion, without affecting the rights of existing contributors, so as gradually to render the people dependent on their own contributions only."

Savings-banks.

Savings-banks, then just established, are declared to be in successful operation, and to hold out a promise of "very beneficial results, not only

[1] See ante, pp. 74 and 106.

in affording to the industrious poor a secure deposit for their savings, but in familiarising them with a practice of which the advantage will be daily more apparent."

The law of settlement.

The question of settlement occupies the latter portion of the report, upon the consideration of which the committee enter under a persuasion that, "if not the most important branch of the subject in other respects, yet, as it affects the comforts, the happiness, and even the liberty of the great mass of our population, it is of the highest interest."

The provision in the 13*th and* 14*th Charles* 2*nd*, *cap.* 12,[k] establishing settlement, is recited at length, and the several statutes[m] modifying the conditions by which it is to be governed, are successively noticed down to the 35*th George* 3*rd*, *cap.* 101,[n] by which removal is prohibited, unless the person has been actually chargeable—a provision which, the committee remark, "deserves more notice and applause than it has received," the liberty of removing from place to place thenceforward no longer depending "upon the will or judgment either of parish officers or magistrates." The result of the various enactments on the subject is stated to be, "that every poor person, when entitled to parochial relief, can claim it only (except in cases of sudden accident or calamity) in that parish in which he has resided during forty days, either on an estate of his own of the value of 30*l.*, or in a rented tenement of the annual value of 10*l.*, or under indentures of apprenticeship, or having served a year under a yearly hiring, or as an unmarried man without a child, or by executing a public annual office during the

[k] Ante, vol. i. p. 294.

[m] These are the 1st James 2nd, cap. 17; 3rd William 3rd, c. 11; 8th and 9th William 3rd, c. 30; 9th and 10th William 3rd, c. 11; 12th Anne, c. 18; and the 3rd George 2nd, c. 29.

[n] Ante, p. 118.

year." "Persons not born within the kingdom, and who have acquired no settlement by either of the above means, are, by the humane interpretation of the law, to be relieved, in case of necessity, in the parish in which they are found."

The settlement laws have, the committee state, "given rise to a course of expensive and embarrassing litigation, of which a very inadequate measure would be formed by reference to the cases, numerous as they are, which have been reported in the superior courts." The money expended in litigation and the removal of paupers in 1815, amounted to 287,000*l.*; "and the appeals against orders of removal entered at the last four quarter-sessions, amounted to 4700." But the expense, it is added, is not the worst part of the system, which has led to the practice of fraud and chicanery to an extent "which it is yet more important to correct." The entire abrogation of the law of settlement had been suggested by some persons, generally accompanied by a proposal for a national rate; but "the committee are satisfied that something short of a total repeal of the law of settlement, yet going further than the various suggestions from different parts of the kingdom, would simplify the law so much as to reduce the subject of litigation to a very few questions of fact, place the maintenance of those who want relief upon a far more just and equitable footing, and at the same time consult in the greatest degree the comfort and happiness of the poor themselves."

With these views, it is recommended, that any person residing three years in a parish without being chargeable, and without being absent more than a certain time in each year, should thereby obtain a settlement; and in order to prevent litigation, that a deposition of the fact should be made, and notice given to the overseers when the settlement was so completed. It is further recommended, that in future

Change proposed in the settlement law.

no person shall acquire a settlement by renting a tenement, serving an office, hiring and service, apprenticeship, or estate. Poor unsettled persons, not being natives of England, the influx of whom (most probably from Ireland) is said to be great and oppressive, ought, it is considered, on their applying for relief, to be passed to the nearest ports from which they may return to their native country; "but any native of the British empire is to acquire a settlement in any parish in which he may have resided five years without being chargeable." These are the changes recommended by the committee, who remark, that "it is not to be supposed such an abrogation of the 13*th and* 14*th Charles* 2*nd*, and all that has been built upon that statute, can be wholly exempt from inconvenience;" but the only serious objection they apprehend, arises from a fear lest the number of cottages should be decreased—"a consequence which would be undoubtedly much to be lamented." But it is hoped the inconvenience of driving the labourers to a distance from the farms they cultivate, will serve to counteract this evil.

Results of the committee's report.

Such are substantially the statements, reasonings, and recommendations contained in this report, the issuing of which constituted an important era in the history of the Poor-Law. It brought together much valuable information, impressed sound principles upon parish officers and the public generally, and laid a foundation on which our legislators might hereafter proceed to build with greater certainty and effect. The labours of the committee were continued in the two following sessions; and the debates which took place on the introduction of bills prepared by it, for amending the law with respect to vestries, settlement, misapplication of the rates, and other matters, served to keep the attention both of parliament and the nation alive to the subject. The only Acts which can, how-

ever, be said to have directly emanated from this report and the other labours of the committee, are the two Vestry Acts, and a short Act making a trifling alteration in the law of settlement, to each of which attention will immediately be directed. The other measures suggested by the committee, were found to be attended with so many difficulties, and to be open to so many objections, that no attempt to introduce them was ever made.

It may possibly be thought, that fewer benefits resulted from the labours of this committee than might have been expected, considering the characters of the men engaged upon it, and the urgency and importance of the subject. But the seed sown by it was not lost, although fructification was slow, and the produce for a time scanty. The writer well remembers reading the report not long after it was issued, and he believes it was the means of first opening his mind to the consequences of the existing system, and that it gave rise in him to an earnest desire for remedying the evils it portrayed, of the actual existence of which he saw proofs everywhere around him. To the fulfilment of this desire he has devoted the best years of his life; and in now applying its remaining portion to recording what has been done, and the circumstances connected with the poor-law question throughout its progress, he feels that he is only fulfilling a duty imposed upon him by a sense of gratitude for the manner in which his services have been appreciated, and of gratitude also, he wishes to add, of a higher and holier nature, for the amount of success with which his efforts have been attended.

We will now proceed, as before, with the poor-law legislation of the period. The first to be noticed is the Parish Vestry Act, which, as well as the Select Vestry Act, was introduced by Mr. Sturges Bourne, the chairman of the committee, who founded his hopes of improvement chiefly on the administration of the law

being placed in the hands of persons of property and intelligence, and who declared that the object of the bill was to give additional influence to persons in parish vestries in proportion to their contribution to the poor-rates.°

1818. 58 Geo. III. cap. 69. The Parish Vestry Act.

The Parish Vestry Act (*The 58th George 3rd, cap.* 69) requires three days' public notice at least to be given of the holding of any vestry; and directs, "for the more orderly conduct of vestries, that in case the rector, or vicar, or perpetual curate, shall not be present," the persons assembled "shall forthwith nominate and appoint, by plurality of votes, one of the inhabitants of the parish to be the chairman of and preside in every such vestry;" and he is to have the casting vote, and the proceedings are to be fairly entered in a book provided for that purpose, "and signed by the chairman and such other inhabitants present as think proper to sign the same." The manner of voting in vestries is regulated by the following scale: persons present, and rated at less than 50*l.*, are to have one vote and "no more;" persons present, and rated at 50*l.* and upwards, are to be entitled to one vote for every 25*l.* of assessment, up to the limit of six votes, which no one can exceed, whatever the amount at which he may be rated. But no person having refused or neglected to pay the rate due and demanded of him, is entitled to be present or to vote in any vestry until he shall have paid the same. Parish books, papers, and vouchers are required to be preserved; and any person destroying or injuring, or refusing to produce or deliver the same, is subjected to a penalty of 50*l.*, or made liable to other proceedings in the courts of law. This Act was amended in the following year by *The 59th George 3rd, cap.* 85, which enabled persons rated in a parish, and not resident, to attend and vote at vestries

° See Hansard's 'Debates' for March 12th, 1818.

therein, according to the value at which they are assessed; and also enabling the clerk or agent of any corporation, body politic, or company, to do the same. This was, in fact, what justice required, and no more than providing for the due representation of the property which furnished the rate.

The 59th George 3rd, cap. 12, usually designated 'The Select Vestry Act,' is a more comprehensive measure than the preceding. It is not confined to the regulation of vestries merely, but embraces all the other objects which parliament was at that time prepared to sanction, but which fell far short of what was proposed by the committee for the amendment of the law. The Act commences by empowering the inhabitants of any parish, upon due notice in vestry assembled, "to establish a select vestry for the concerns of the poor," and to nominate and elect such and so many substantial householders or occupiers, not exceeding twenty nor less than five, who, being first thereto appointed by writing under the hand and seal of a justice of the peace, are to be members thereof, and together with the rector, vicar, or other minister of the parish, and the churchwardens and overseers of the poor for the time being, are to "constitute a select vestry for the care and management of the concerns of the poor of such parish, and any three of them (two not being churchwardens or overseers) are to be a quorum." The select vestry is required to meet once a fortnight, or oftener if necessary, in the parish church or other convenient place, and to appoint a chairman, who is to have a casting vote, and they are to determine upon the proper objects of relief, and the nature and amount of the relief to be given; "and in each case shall take into consideration the character and conduct of the poor person to be relieved, and shall be at liberty to distinguish in the relief to be granted between the deserving and the idle, extravagant, or profligate poor." The

1819. 59 Geo. III., cap. 12.

The Select Vestry Act.

select vestry is to make orders in writing for the relief it deems to be necessary, and is to superintend the collection and application of all moneys raised for the relief of the poor, and the overseers of the poor are, in the execution of their office, required to obey its directions. At each meeting of the select vestry, minutes are to be fairly entered in a book provided for that purpose, and signed by the chairman, of all their proceedings, resolutions, orders, and transactions, and of all sums received, applied, and expended by their direction, which, together with a summary thereof, are to be laid before the inhabitants in general vestry assembled, in the months of March and October in every year.

In the event of any complaint being made to a justice of peace, of the want of adequate relief by or on behalf of any poor inhabitant of a parish having a select vestry, or being under a local Act, the justice is not to take cognisance thereof, unless it be proved on oath that application has been made to the select vestry and refused, in which case the justice may summon the overseers to appear before two justices to answer the complaint; and if it appear to such justices that the complainant is in need of relief, and that adequate relief has been refused, they may "make an order for such relief as they, in their just and proper discretion, shall think necessary," stating the special cause thereof in such order, which is not, however, to extend beyond the period of one month. In the case of a parish having no select vestry, two justices may order the churchwardens and overseers to afford relief to any poor person for any time not exceeding a month, stating in the order the cause thereof; but a single justice is empowered to order relief in any case of urgent necessity, the order remaining in force until the assembling of the select vestry, where there is one, and for fourteen days, or until the holding of the next petty sessions, in the case of a parish having no select vestry. This is a con-

Power of justices in ordering relief.

siderable curtailment of the power in ordinary relief which was conferred upon justices in the first instance by the 36*th George* 3*rd*, *cap.* 23,[p] and more recently by the 55*th George* 3*rd*, *cap.* 137.[q] The impolicy of committing to them so large a discretionary power in cases so open to misrepresentation, deceit, and fraud, and of the real merits of which the justices, from their social position, would almost necessarily be incompetent judges, is sufficiently obvious. It is noticed by the committee in their late report, and it was at their instance that the restrictions now applied were imposed.

Justices in special sessions are, by the 6*th section* of the Act, empowered, "upon the nomination and at the request of the inhabitants of any parish in vestry assembled," to appoint a person who is rated although not resident therein, to be an overseer of the poor. And, by the 7*th section*, power is given to parish vestries "to elect any discreet person or persons to be assistant overseer or overseers of the poor," and to specify the duties and fix the salaries of such officers; and any two justices are empowered, by warrant under their hands and seals, to appoint every person so elected to be assistant overseer for such purposes and with such salary; and every person so appointed "shall be authorised and empowered to execute all such of the duties of the office of overseer, as shall in the warrant for his appointment be expressed, as fully as the same may be executed by any ordinary overseer of the poor." The appointment is to continue until it be resigned or revoked, and security may be taken for the faithful execution of the duties of the office.

Assistant overseers.

The churchwardens and overseers of any parish "not having a workhouse for the poor thereof, or where the workhouse shall be found insufficient or inconvenient," are by the 8*th section* empowered,

Workhouses to be provided.

[p] Ante, p. 124.

[q] Ante, p. 157.

with the sanction of the vestry, to build a suitable workhouse, or to alter and enlarge any tenement belonging to such parish for that purpose, and to purchase or take on lease any ground that may be required for these purposes. And as it may be advisable in some cases for parishes to sell their present workhouses or other tenements, where the same are incapable of being enlarged or used, the 9*th section* enables this to be done by direction of the vestry, and with consent of two justices, and the produce to be applied towards the purchase or building of a new workhouse, or towards the payment of any money borrowed for that purpose. Where no sufficient workhouse can be procured within the parish "for the accommodation of the poor thereof," the churchwardens and overseers are by the 10*th section* empowered, subject to the direction and consent as before, "to purchase or hire any suitable and convenient building or buildings for that purpose in any adjoining parish." But no such building is to be more than three miles from the parish for the use of which it is provided, and in all questions of settlement is to be "taken to be part of the parish on behalf of which it has been purchased or hired, and by which it shall be used."

Land may be purchased or hired;

The 12*th section* recites, that by the 43*rd Elizabeth*, certain persons therein described are directed to be set to work, but that the laws now in force do not give sufficient powers for that purpose; wherefore it is enacted that it shall be lawful for the churchwardens and overseers, with consent of the vestry, to take any land which belongs to the parish, or to purchase or hire on account of the parish "any suitable portion or portions of land within or near to such parish, not exceeding twenty acres in the whole,[r] and to employ and set to work in the cultivation of such land on account of the parish any such persons as by law they

[r] This was afterwards increased to fifty acres by the 1*st and* 2*nd William* 4*th*, *cap.* 42.

are directed to set to work, and to pay to such of the poor persons so employed as shall not be supported by the parish reasonable wages for their work; and the poor persons so employed shall have the like remedies for recovery of their wages, and shall be subject to the like punishment for misbehaviour in their employment, as other labourers in husbandry are by law entitled and subject to." By the following section the churchwardens and overseers, with like consent of vestry, are empowered, "for the promotion of industry among the poor," to let any portion of the land belonging to the parish, or that shall be so hired or purchased for it, "to any poor and industrious inhabitant of the parish, to be by him or her occupied and cultivated on his or her own account, and for his or her own benefit, at such reasonable rent and for such term as shall by the vestry be fixed and determined."

may be let to industrious inhabitants.

But in order to guard against an undue expenditure for any of the above purposes, the 14*th section* provides, that no sum exceeding the amount of a shilling rate shall be raised or expended in a parish in any one year, for providing and furnishing such buildings, or purchasing and stocking such land, "unless the major part of the inhabitants and occupiers assessed to the relief of the poor in vestry assembled shall consent thereto, nor until two-third parts in value of all the inhabitants and occupiers so assessed shall also have signed their consent thereto in the vestry or parish book." After a shilling rate has thus been levied and expended for any of the above objects, if a further sum shall be required, it may with like consent be raised by way of annuity, or for a term of years, "so as the whole sum shall not be more than five shillings in the pound of or upon the true annual value of the property assessed to the poor in such parish." Every such annuity or other security is to be charged on the produce of the

Expenditure in any year limited to the amount of a shilling rate.

If borrowed on annuity, the whole amount not to exceed 5*s.* in the pound.

future rates, but it is provided "that no greater sum in the whole than the amount of a rate of one shilling in the pound shall in any parish be charged upon the future rates, unless two-thirds in value of the proprietors of lands, &c., therein, shall have thereto given their consent in writing." These limitations were probably necessary for the protection of property, and they would also serve to draw the proprietor class into a closer connexion with parish affairs, on which, we have seen, the framers of the report of 1817 in great measure relied for bringing about improved management.

The 29*th section*, which provides for giving relief by way of loan, commences by reciting "that it is expedient to discourage that reliance upon the poor-rates, which frequently induces artizans, labourers, and others to squander away earnings which would, with suitable care, have afforded sufficient means for the support of their families;" and it then enacts, that whenever it shall appear, upon application of any poor person for relief, "that he might but for his extravagance, neglect, or wilful misconduct, have been able to maintain himself or to support his family (as the case may be), it shall be lawful for the overseers, by direction of the justices, or the general or select vestry, to advance money, weekly or otherwise as may be requisite, to the person so applying, by way of loan only, and to take his receipt for, and engagement to repay the same." If he fails to do this, he may be summoned before two justices, "and if it appear to them that he is able by weekly instalments or otherwise to repay the whole or any part of the money so advanced to him," they are to make an order for such repayment, in such proportions and manner as they see fit; and upon every default, to commit such person to the common gaol for any time not exceeding three months, unless the money which is due shall be sooner paid. This permission to afford relief by way of loan, is also extended to pensioners in

Relief by way of loan.

the army and navy, who are empowered to assign over to the overseers, for the exoneration of the parish, the pensions to which they may be entitled, and on which the relief has been advanced. The wages of seamen in the merchant-service, are in like manner made liable for any relief which may be afforded to their families during their absence. With respect to each of these latter cases, the provision has probably been of some benefit; but as a measure of general application, the power of making loans for the relief of actual distress has been of little avail, and its policy is moreover somewhat doubtful. Facility of borrowing, whether it be of the pawnbroker or parish officer, is not calculated to give rise to or encourage provident habits in the working classes, on the existence of which their comfort and general well-being so much depend.

The foregoing are the chief provisions of this very important Act, which, with other measures proposed and relinquished, originated with the committee of 1817, and gave rise to much debate and conflict of opinion both in and out of parliament. The establishment of select vestries led to a greater unity of action in administering the law, and was therefore advantageous, as was likewise the appointment of assistant overseers, without whom indeed it would be impossible for the business of large parishes to be properly attended to. With respect to workhouses, although the Act gives power for providing them, little reliance apparently was placed on their lessening expenditure, and none as to their being the means of testing destitution. The purchase of land by parishes in order to afford employment, and the letting out portions of it "for the promotion of industry among the poor," as provided for by the Act, partake something of the character of a labour-rate; and are attempts to create employment of so forced and artificial a nature, as would be certain of ending in failure, if not in greatly aggra-

vating the evil they were intended to correct. The distress which prevailed throughout England at that time, consequent upon the general stagnation of employment and derangement of capital and occupation, following the change from a wide-spread and most exhausting war, to a state of profound and universal peace, must, independently of all other circumstances, have caused much additional pressure on the poor-rates, and rendered any alteration in the law, with a view to check the growth or lessen the weight of the burthen, extremely difficult. This was repeatedly stated in parliament, as a reason for doing less than might otherwise have been attempted; and although the alarm caused by the rapid increase of the rates was no doubt great, the dread of making any sudden change or effort at reduction in the then circumstances of the country was equally so; and we ought perhaps to wonder that so much was at that time done, rather than that so little was accomplished as appears in the present Act.

We have seen the views expressed by the committee of 1817 on the subject of settlement.[s] In the following year, a bill embodying those views was introduced by Mr. Sturges Bourne, which gave rise to much discussion at the time, and continued to excite great attention throughout the country. Almost every parish was more or less affected by it, and a good deal of local influence was consequently brought to bear on the question in parliament. The bill was eventually reduced to a single clause, and passed under the title of 'An Act to amend the Laws respecting the Settlement of the Poor, so far as regards renting Tenements.' By this Act (*The 59th George 3rd, cap.* 50), it is directed that thenceforth no person shall acquire a settlement by residing forty days in a parish in a tenement rented by him, unless such tenement be

1819. 59 Geo. III., cap. 50.

[s] See ante, p. 183, *et seq.*

a separate and distinct dwelling-house or building, or land, within such parish, or both, *bonâ fide* hired by him for a whole year, and at a rent of not less than 10*l.*, "nor unless such house or building shall be held and such land occupied, and the rent for the same actually paid, for the term of one whole year at the least, by the person hiring the same." This extension of the term of residence from forty days to a whole year, and requiring the entire rent to be actually paid, would increase the difficulty of acquiring a settlement, and might also tend in some degree to check litigation; but it amounted to little as a remedial measure, and left settlement (which Mr. Huskisson designated a "cruel and unfeeling restraint on the poor man's labour") untouched, and it left the power of removal (which Sir Samuel Romilly "viewed as the greatest cruelty")[t] unamended. The Act was, in short, altogether very trivial, and chiefly deserves notice as showing that the public were so entangled in the meshes of the old system, as to be afraid of making an effort for extrication. The magnitude of the evil was generally admitted, but all appeared to dread a change, the possible consequences of which were so magnified by their fears, and possibly also by the misrepresentations of interested parties, that nothing effectual could be done in the way of remedy; and settlement, and the power of removal, the two great blots of the English Poor Law, remained as before.

We have now arrived at the termination of the reign of George the Third, who died on the 29th of January, 1820, in his eighty-second year. He had long been disabled by mental infirmity from attending to the business of government, which was conducted by his son, now George the Fourth,

Death of George III. 29th Jan. 1820.

[t] See Hansard's 'Debates,' May 10th, 1819, and April 30th, 1818.

under the title of Regent; so that there was no other change beyond the change of title in the occupant of the throne. Yet the death of the aged sovereign was deeply felt by the people. His personal character, and the sad affliction by which he was visited—his long reign of sixty years, and the extraordinary events which had occurred within the period—all served to awaken tender emotions at his removal, and to surround his memory with affectionate regrets.

END OF PART THE THIRD.

PART THE FOURTH.

FROM THE ACCESSION OF GEORGE THE FOURTH TO THE END OF THE YEAR 1852–53.

CHAPTER XIV.

Accession of George IV. — Savings-banks — Servants and apprentices — New Vagrant Act — Settlement by renting a tenement — Pauper lunatics — Accession of William IV. — Poor-allotments — Effects of forced employment — The "parish farm" — Hobhouse's Act — Removal of poor natives of Scotland, Ireland, and the Channel Islands — Mr. Scarlett's Bill — Mr. Nolan's Bill — Employment of agricultural labourers — Chimney-sweepers — Summary of the Poor Law down to the Introduction of the Amendment Act — Commission of Inquiry — The Commissioners' Report — Example of Bingham and Southwell.

THE period of George the Fourth's accession was one of much excitement, the public being agitated and divided on certain questions of domestic policy, especially on the subject of Parliamentary Reform, without which, it was with some reason believed by a large section of the people, that it would be vain to expect other ameliorations. Tumultuous meetings were frequently held in the manufacturing districts of the North, and at Manchester a large assemblage had been dispersed by calling in the military. Nightly trainings were said to be practised. Conspiracies were said to be secretly concocted, and a general feeling of disquiet and apprehension prevailed, without any very definite or sufficient cause, excepting that there was a considerable amount of distress at the time, chiefly

George IV. 1820–1830.

arising from the stagnation and difficulties produced by re-action, after a long and most eventful war. It is not necessary however to give a detail of these circumstances, although they had a certain influence on our population, as they are sufficiently recent for remembrance. Indeed it can hardly fail to have been noticed, that as we have approached modern times, reference to Acts and matters not immediately connected with the Poor-Law have been less frequent, as they were less necessary for a right understanding of the condition of the people; and now, having advanced to nearly the end of the first quarter of the present century, attention will be altogether confined to poor-law legislation, and to matters and details more or less connected therewith.

In the Report of the Select Committee on the Poor-Laws in 1817, the establishment of Savings-Banks is noticed in terms of deserved commendation. These institutions were not previously altogether unknown, but England is indebted for their legal organization to Mr. George Rose, who in February 1817 introduced a bill for the purpose. The measure gave rise to considerable conflict of opinion at the time, and as first framed was certainly open to several objections, the most prominent of which was the provision, that a person having 30*l.* deposited in a savings-bank, should nevertheless be entitled to relief from the poor-rates; but this proposition was soon abandoned. The two

1817. The Savings-bank Acts.

Acts constituting and regulating these receptacles for the small savings of the industrious classes, are *The* 57*th George* 3*rd*, *cap.* 130, introduced in 1817 by Mr. Rose, and *The* 58*th George* 3*rd*, *cap.* 48, introduced in the following session by the Chancellor of the Exchequer for amending the former Act. These Acts taken together empowered trustees and managers "to receive deposits of money for the benefit of the

persons depositing the same, and to accumulate the produce in the nature of compound interest, and to return the whole or any part of such deposits and the produce thereof to the depositors, deducting only so much as shall be required for defraying the necessary expenses of management." The trustees and managers are not themselves to receive any profit or advantage from the institution, for managing which they are required to frame rules, which are to be entered in a book open at all times to the inspection of the depositors. The rules are also to be enrolled at the sessions, and the justices may reject any that are at variance with the intentions of the Act. The moneys deposited with the trustees are to be transmitted to the National Debt Office, to be there invested in a separate fund established for the purpose, and for these moneys the trustees are to receive a debenture carrying interest at the rate of 3*d.* per cent. per diem, equal to 4*l.* 11*s.* 3*d.* per cent. per annum, payable half-yearly; and an account of all such debentures is to be laid before parliament annually. Friendly societies, legally constituted, are permitted to invest the whole or any part of their funds in savings-banks; but in order to prevent abuse, it is required that no individual depositor shall invest more than 100*l.* the first year, nor more than 50*l.* in any year afterwards.[a] Schedules were appended to the Acts, giving complete forms for every transaction; and with care on the part of the trustees and managers, to see that the money paid in and withdrawn, was in each case duly entered in the depositor's book, and that the whole of the money deposited was duly transmitted for investment, it would be almost impossible for error or malversation to occur.

[a] Six years after this, the deposits of individuals were restricted to 50*l.* the first year, and 30*l.* in any year subsequently, and no interest was allowed on any amount of deposits exceeding 200*l.* There were several subsequent reductions in the interest allowed, and individual deposits were limited to 150*l.*, and friendly societies to 300*l.*

So rapid had been the growth of the savings-banks, that it was stated by the Chancellor of the Exchequer, on introducing his Amendment Bill, that between the 6th of the preceding August and the 11th of March 1818, no less than 657,000*l.* had been deposited.[b] On the 20th of November 1833, there were in England and Wales 408 savings-banks, holding balances on account of 425,283 depositors, to the amount of 14,334,393*l.*; whilst in Ireland (for which in 1817 an Act was passed simultaneously with that for England) there were at the same time 76 savings-banks, with 49,872 depositors, and an aggregate of deposits to the amount of 1,380,718*l.* Taking England and Ireland together, the number of banks established at the above date was 484—the depositors 475,155, and the amount of deposits 15,715,111*l.*[c] —an immense accumulation by the industrious classes, giving them a large interest in the stability of our institutions, and affording evidence of a marked improvement in their social position.

The Act recently passed for regulating the binding of parish apprentices[d] was found to be insufficient for the purposes intended, and *The 4th George 4th, caps.* 29 *and* 34, were now enacted—the former to increase the power of magistrates in cases of apprenticeship, the latter to enlarge the powers of justices "in determining complaints between masters and servants," &c. The first Act recites the provisions

1823. 4 George IV., caps. 29 & 34. Servants and apprentices.

[b] See Hansard's 'Parliamentary Debates' for March 17th, 1818, p. 1156.

[c] At the end of 1852—

The number of banks was—England and Wales	.	482
Ireland	.	51
Scotland	.	43
The depositors—England and Wales	.	1,045,550
Ireland	.	52,502
Scotland	.	111,297
The aggregate deposits—England and Wales	.	£28,649,672
Ireland	.	1,460,161
Scotland	.	1,645,205

[d] Ante, the 56th George 3rd, cap. 139, p. 165.

of the 20*th George* 2*nd*, *cap.* 19, and the 33*rd George* 3*rd*, *cap.* 55, respecting apprentices upon whose "binding out" a larger sum than 5*l.* and 10*l.* respectively shall not have been paid, and then enacts that the said provisions shall extend "to all apprentices upon whose binding out no larger sum than 25*l.* was or shall be paid." The second Act (*cap.* 34) enables stewards, managers, and agents, as well as masters, to make complaint upon oath of the misconduct of any apprentice, and empowers any justice to hear and determine the same, and to punish the offender; and the justice is also in like manner empowered to hear the complaint of any apprentice, and to summon the master and do justice in the case. There are other provisions enabling a justice to apprehend and punish with imprisonment any servant in husbandry or artificer who fails to fulfil his engagement, and also to enforce payment of any wages which upon examination appear to be due to any such servant or artificer, but into this question it is not necessary here to enter.

The circumstance most worthy of notice in connection with the above Acts, is the successive increase of the sums paid on the "binding out" of parish or other apprentices. In 1747, we find that 5*l.* was, by the 20*th George* 2*nd*, *cap.* 55, assumed to be the maximum of payment with a parish apprentice. Forty-six years afterwards, by the 33*rd George* 3*rd*, *cap.* 55, the amount was increased to 10*l.*; and now in 1816, after only half that interval had elapsed, we find the limit raised to 25*l.* These successive advances must be regarded as indicating a continual increase of wealth and demand for skilled labour, for although 25*l.* may not always or often have been paid with a parish apprentice, it would seem to have been so occasionally; and the parish may in some instances have been aided by individual contributions, whilst individuals again would probably be aided by the parish. All apprentices, however, whether "bound

out" by the parish, or otherwise, upon whose binding out no greater sum than 25*l.* has been paid, are, we see, placed under the special protection of the justices, both in the matter of "binding out" and in their course of servitude. In each of these respects such a supervision may have been necessary; for as apprenticeship gave a right of settlement, the conflicting interests which thence sprang up in parishes would be apt to lead to the fraudulent and improper binding out of children, who again under such circumstances would be liable to ill-usage, and would need special protection.

Vagrancy, mendicancy, and pauperism are so mixed up together, that it is not surprising the earlier statutes should have applied to them indifferently, and that it was not until a late period, and after a special provision had been made for the relief of the destitute poor, that vagrants were dealt with as a separate class, and that the various kinds of offence coming under the designation of vagrancy, have been defined and subjected to punishment by a separate law. The number and variety of these offences would be sure to increase, with the increase of wealth and population; and a new Vagrant Act, *The 5th George 4th, cap.* 83, was passed to arrest the growing evil. The Act is very full and minute in defining what is criminal, and it follows the example of the older statutes[e] in arranging the offenders under the heads of *idle and disorderly*, *rogues and vagabonds*, and *incorrigible rogues*. To the first class, one month's imprisonment with hard labour is assigned; to the second, three months; and to the third, twelve months, with whipping at the discretion of the justices in quarter sessions. It is however only necessary to notice those parts of the Act which can be said to apply to the

1824. Vagrant Act. 5 George IV., cap. 83.

[e] See ante, 17th George 2nd, cap. 5, and 32nd George 3rd, cap. 45, pp. 37 and 109.

pauper class, these being the only portions directly connected with the Poor Laws.

Under the first head or division, it is enacted—That every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family shall have become chargeable—every person returning to, and becoming chargeable in a parish whence he or she had been removed, unless producing a certificate from some other parish acknowledging settlement therein—every person wandering abroad, or placing him or herself in any public street or highway, &c., to beg or gather alms, or causing or encouraging any child or children so to do—shall be deemed an *idle and disorderly person*. And every one again committing any of the above offences, after being convicted thereof—and every person wandering abroad and lodging in any barn, outhouse, or unoccupied building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself or herself—every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain alms—every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions under any false or fraudulent pretence—every person running away and leaving his wife, or his or her child or children chargeable, or whereby she or they or any of them shall become chargeable—shall be deemed a *rogue and vagabond*. And every person having been so convicted, who shall therein again offend, is to be deemed and dealt with as an *incorrigible rogue*.

Who are to be deemed "idle and disorderly," who "rogues and vagabonds," and who "incorrigible rogues."

The foregoing, are the provisions of this Act which apply to the class of persons usually coming under the superintendence of the parish authorities, in connexion with poor-law relief. They are clearly defined, and

sufficiently stringent; and if they were strictly enforced, adequate provision being at the same time made for the relief of all who are actually and unavoidably in need of it, mendicancy (which is a branch of vagabondism) would be abolished, industry would be encouraged, crime would be lessened, and the entire community would be greatly benefited, socially as well as morally.

The condition on which a right of settlement may be acquired by renting a tenement of 10*l.* annual value, we have lately seen stated with much precision in the 59*th George* 3*rd*, *cap.* 50.[f] Yet six years afterwards doubts being entertained as to the intention of the Act, and "very expensive litigation" having been incurred, it was found necessary to make further provision on the subject, and *The* 6*th George* 4*th*, *cap.* 57, was passed, enacting "that no person shall acquire a settlement in any parish by reason of settling upon, renting, or paying parochial rates for any tenement not being his or her own property, unless it shall consist of a separate and distinct dwelling-house or building, or of land, or both, *bonâ fide* rented by such person at and for the sum of 10*l.* a year at the least, for the term of one whole year; nor unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same to the amount of 10*l.* actually paid for the term of one whole year at the least, provided always that it shall not be necessary to prove the actual value of such tenement." This would seem to be sufficiently clear and definite, yet at the end of another six years doubts are again said to "have arisen with respect to the intention of the legislature concerning the occupation of such house, building, or land, by the person hiring the same, and concerning the amount of the rent to be paid, and the person paying the same." Wherefore another Act was

1825. 6 George IV., cap. 57. Settlement by renting a tenement, &c.

[f] Ante, p. 201.

then passed, (*The 1st William 4th, cap.* 18,) which provided that no person shall acquire a settlement by reason of such yearly hiring, "unless such house, or building, or land shall be actually occupied under such yearly hiring in the same parish, by the person hiring the same, for the term of one whole year at the least, and unless the rent for the same, to the amount of 10*l.* at the least, shall be paid by the person hiring the same." And it is further provided "that where the yearly rent shall exceed 10*l.*, payment to the amount of 10*l.* shall be deemed sufficient for the purpose of gaining a settlement."

The necessity for passing three successive Acts of parliament within twelve years, for determining the mode in which the renting of a tenement in a parish should confer a right of settlement, may be taken as exemplifying the difficulties and intricacies with which the question in all its branches is beset, and also as a proof of the openings which the law of settlement affords for trickery and chicanery of every kind. "Very expensive litigation" is said to have arisen under the first of these three Acts, and although it is not so stated, we may presume it was the same under the second, and possibly even under this last. The acquiring a right of settlement by apprenticeship, by hiring and service, and by renting a tenement, notwithstanding the recommendation for abolishing such right in either case in the report of 1817, continued to be a constant source of demoralization and fraud, as well as the occasion of a wasteful expenditure on litigation, of money which ought rather to have been applied to the relief of the destitute. But these are only a portion of the evils inherent in the very nature of settlement, and which, however it may be fenced and guarded, are sure in a greater or less degree to arise from it.

Pauper lunatics cannot fail to be regarded as the

most wretched and helpless portions of humanity, and standing most in need of protection: yet they had been hitherto neglected, and were left exposed to much cruelty and oppression. But the country at length awoke to a sense of its duties towards this most unfortunate class, and *The 9th George 4th, cap.* 40, was passed for the erection of lunatic asylums, and "to provide for the care and maintenance of pauper and criminal lunatics." The justices of peace in each county were empowered to provide a lunatic asylum for their own county, singly or in common with one or more adjacent counties, or to agree with the subscribers to any lunatic asylum heretofore built or intended to be built and established by voluntary contributions; and to purchase or rent land, and make rates and borrow money on mortgage thereof, to defray the necessary expenses. And the justices in petty sessions are to require the overseers within their respective divisions, to make returns annually "of all insane persons chargeable to their respective parishes, specifying the name, sex, and age of each, and whether dangerous or otherwise, and how long disordered, and where confined, or how otherwise disposed of." Such return is to be verified on oath, and together with a medical certificate of the state of each of such insane persons, is to be laid before the justices at their next general quarter sessions —failing in which, or failing to give notice of any poor insane person in his parish to a justice of peace, the overseer is subjected to a penalty not exceeding 10*l.* nor less than 2*l.*

1828. 9 George IV., cap. 40. Pauper lunatics.

On its being made known to any justice of peace that a poor person, whether chargeable or otherwise, is deemed to be insane in any parish, he may require the overseer to bring such person before any two justices at such time and place as he shall appoint; and if upon examination the said justices, with the assistance of a medical man, shall be satisfied that the poor person is

insane, they may cause him to be placed in a lunatic asylum or public hospital, "or some house duly licensed for the reception of insane persons," and may make an order upon his place of settlement for payment of all reasonable charges consequent thereon. No insane person is to be removed from an asylum, hospital, or licensed house, without an order for that purpose by two justices, "or unless such person shall have been discharged as cured." But the visitors of a county asylum may deliver a pauper lunatic to his friends, upon their undertaking that he shall be no longer chargeable. Provision is made for a medical practitioner, on behalf of any parish, to visit and examine the pauper patients belonging to such parish confined in any asylum, hospital, or licensed house, and to report the result of such examination to the parish authorities. Where the place of legal settlement of the insane person cannot be ascertained, it is provided that the justices may direct him to be confined in the asylum for the county in which he is found, and if there be none, then in some hospital or licensed house, and they may also direct all reasonable charges thence arising to be defrayed out of the county-rates. The justices may nevertheless endeavour to ascertain the place of settlement of any insane person so confined, and if satisfactory evidence can be obtained as to his place of settlement, they may make an order upon the overseers of the parish where such settlement is proved to be, for payment of the reasonable charges incurred for such insane person within the twelve months preceding, and also for his future maintenance. In all these cases, persons who feel aggrieved may appeal to the quarter sessions, whose determination is to be final and conclusive.

These are the chief provisions of this humane and important Act which apply to pauper lunatics, and which go far to remedy, by removing from public view

and from constant aggravation, one of the most painful and humiliating inflictions to which humanity is subjected. The other sections of the Act occupy considerable space, but although necessary for providing and for efficiently managing the institutions for the reception of insane and lunatic persons, they do not require to be particularly noticed here.

After reigning a little more than ten years, George the Fourth died on the 26th of June, 1830, and was succeeded by his brother, William the Fourth, at whose death, on the 20th of June, 1837, the crown descended to our present sovereign, Queen Victoria; and that she may long continue to wear it, to the happiness of her subjects, and her own honour, is the universal prayer of a loyal people.

It has already been stated that the twenty acres of land permitted by the 59*th George* 3*rd*, *cap.* 12, to be purchased or hired by a parish, for the purpose of employing "any such persons as by law they are directed to set to work," was twelve years afterwards,[g] by *The* 1*st and* 2*nd William* 4*th*, *cap.* 42, increased to fifty acres. This Act likewise empowered the churchwardens and overseers, with the consent of the lord of the manor and the majority of the other persons interested, to enclose any portions of waste or common land lying in or near such parish not exceeding fifty acres, "and to cultivate and improve the same for the benefit of such parish and the poor persons therein, or to let any part or parts of the same to any poor and industrious inhabitants thereof to be occupied and cultivated on their own account."

1831. 1 and 2 William IV., cap. 42.

About the same time *The* 1*st and* 2*nd William* 4*th*, *cap.* 59, was passed, enabling churchwardens and overseers, with the consent of the Treasury, to enclose land belonging to the crown (not

1831. 1 and 2 William IV., cap. 59.

[g] Ante, p. 197.

exceeding 50 acres) "for the benefit of poor persons residing in the parish in which such crown-land is situated." In the year following *The 2nd William 4th, cap.* 42, was passed, to authorise "the letting of the poor-allotments in small portions to industrious cottagers." It recites, that in many parishes "enclosed under Acts of Parliament, there are allotments made for the benefit of the poor, chiefly with a view to fuel, which are now comparatively useless, and that it would tend much to the welfare of the poor if these allotments could be let at a fair rent and in small portions to industrious cottagers of good character." The present Act accordingly authorises this to be done; and it also enacts that the rent shall be applied "in the purchase of fuel to be distributed, in the winter season, among the poor parishioners legally settled and resident in or near such parish;" and moreover, "that no habitations shall be erected on the portions of land demised under this Act, either at the expense of the parish, or by the individual renting the same," thus providing, as far as it was possible, against these allotments leading to an increase of the population.

1832. 2 Will. IV., cap. 42.

All the Acts above named, including that of the 59*th George the 3rd, cap.* 12, appear to be founded on the assumption that persons who are unable, or who declare that they are unable, to procure employment in the ordinary way, may be profitably employed on account of the parish, or on land let to them by the parish, the cultivation of which on their account would keep them independent of parish relief. The persuasion, moreover, that churchwardens and overseers are bound by law to find employment for all who need it, as is assumed in the 59*th George 3rd*, and which, it may be remarked, is likewise the governing principle of Gilbert's Act, seems to have still existed to some extent, notwithstanding that the impossi-

Effects of forced or artificial employment.

bility of this being always done had been so clearly demonstrated in the report of 1817.[h] No person now doubts the pernicious effects of forced or artificial employment, or is blind to the consequences of tampering with the market for labour, whether by the parish or in any other way; but at that time the conviction in this respect was not so strong nor so general, and a middle course was resorted to, in the hope probably of averting or materially mitigating the consequences of such interference, by letting portions of land to the persons whom the parish would otherwise have to relieve, or set to work on its own account. The objection, however, applies with about equal force in either case. Both modes of employment are artificial, and calculated to raise up and retain a larger number of labourers in a district than there is legitimate employment for; and consequently, by such excess of supply over demand, to lower wages, and reduce the price of labour to an amount incompatible with social or physical well-being.

The "parish farm."

Of these two modes of giving employment, that of cultivating land on account of the parish was, it is believed, by far the most generally adopted. The "parish farm" was well known in most parts of England, and one of the first efforts made by the author to bring about improvement in Poor-Law administration, was by prevailing upon his fellow overseers to let off the parish land at a fair rental, and then persuading the farmers to distribute their employment as equally as possible throughout the year, instead of turning over their men to the "parish farm" in the winter months, as had been the practice. But whatever may be done by the farmers in this respect, it is certain that in rural districts there will always be a dearth of employment in winter, as in manufacturing districts

[h] See ante, p. 185.

there will be a similar dearth whenever a stagnation of trade occurs. Both the one and the other are unavoidable, although each may, to a certain extent, be mitigated by timely arrangement on the part of the employers. The only effectual mitigation however must rest with the labourers themselves, by their looking forward and making provision against the occurrence of such periods; and when they do occur, by their exercising increased diligence, and seeking out other sources of occupation and means of subsistence—neither of which can they be expected to do, so long as the parish farm or the parish purse is readily open to them. Some fence or expedient was therefore wanted, which might operate as a secondary kind of necessity, and have the effect of impelling the labourers to extra exertion on these occasions, whilst such relief as was absolutely necessary should not be withheld from them—something, in short, which, without destroying self-reliance, or superseding individual effort and resource, would yet hold out a protection against the consequences of absolute want; and this the author found in course of his efforts for improvement above referred to, in so altering and re-organising the workhouse, as to render it a test of destitution as well as a medium for the administration of relief—on both of which points it will hereafter be necessary to speak at greater length.

The two Vestry Acts that emanated from the committee of 1817, and which were introduced by Mr. Sturges Bourne (the *58th and 59th George 3rd, caps.* 69 *and* 12),[1] had been in operation twelve years, when another Act of a less exclusive and more popular character was passed, at the instance chiefly of certain of the metropolitan parishes, and of some others in the larger towns. This Act (*The 1st and 2nd William 4th, cap.* 60) is declared to be

1831. 'Hobhouse's Act.' 1 and 2 William IV., cap. 60.

[1] Ante, pp. 192 and 193.

"for the better regulation of vestries, and for the appointment of auditors of accounts." It was introduced by Mr. Hobhouse, and has continued to be known and referred to as '*Hobhouse's Act*.' Its adoption by any parish is left optional. One-fifth of the ratepayers, or any number not less than fifty, may call upon the churchwardens to give public notice to the ratepayers, requiring them to signify by their votes whether or not they are desirous of adopting the Act; and after this has been done in the form and manner prescribed, the churchwardens, "after a full and fair summing up of the said votes," are to declare whether or not two-thirds of the votes given are in favour of the adoption of the Act—in which case, and if a clear majority of the ratepayers shall have voted, the Act is to be adopted, and notice thereof given; and no similar proceeding can again take place, until after the expiration of three years. At the election of vestrymen and auditors, every parishioner who has been rated to the relief of the poor one year, is entitled to vote. The elections are to take place annually in May, and the number of vestrymen is to be in proportion to the extent of the population. Parishes in which the number of rated householders does not exceed a thousand, are to have twelve; if above a thousand, twenty-four; if above two thousand, thirty-six; and so on, twelve for every additional thousand; provided that in no case is the number of elected vestrymen to exceed one hundred and twenty. The clergyman of the parish is to be a member *ex officio*. One-third are to retire annually, the outgoing members being, however, eligible for re-election. In parishes within the metropolitan police district or the city of London, or where the resident householders exceed three thousand, the qualification for a vestryman is to consist in his being rated to the relief of the poor at a rental of not less than 40*l*. In other cases the qualification is a rating of 10*l*. The same qualifications apply

to the five auditors. The vestry is not to hold its meetings in the church. It is to appoint a chairman, and its proceedings are to be entered in proper books, which are to be open to inspection, as are also the accounts, after they have been audited. The audit is to take place twice a year, and an abstract of the accounts is to be prepared, to a copy of which any ratepayer is entitled on the payment of one shilling.

Such are the provisions of this Act, by which the affairs of any parish adopting it are placed under the control of the whole body of ratepayers, instead of being lodged in the hands of a select number, as provided by the *59th George 3rd, cap.* 12.[k] The adoption of the present Act may have been beneficial in some cases, by calling forth a more general and active interest in the ratepayers, and causing them to give greater attention to the business of the parish than prevailed under the former arrangement, which vested the whole power in a few persons, generally selected on account of their property and respectability, and therefore, it was assumed, best fitted for having the management. Most of Mr. Sturges Bourne's anticipations of an improved administration of the law were, indeed, founded on this assumption, in support of which much may doubtless be said; but on the other hand it may be remarked, that a small and select number of persons acting independently, are apt to become exclusive and inert, unless stimulated and controlled by public opinion or popular responsibility. On the whole, it may be concluded, that whether it would be most desirable for the affairs of a parish to be managed under the provisions of the Select Vestry Act, or under those of Hobhouse's Act, must depend on the circumstances of the parish itself. If the present management be good and satisfactory, under whichever form conducted, by all

[k] Ante, p. 193.

means let it be continued. If otherwise, the parishioners have an alternative, and may change the system.

1830. 11 Geo. IV., cap. 5. 1833. 3 and 4 William IV., cap. 40.

There are two Acts of this period requiring to be noticed: the first is *The 11th George 4th, cap.* 5, providing for the removal of poor persons, natives of Guernsey and Jersey; the other is *The 3rd and 4th William 4th, cap.* 40, providing for the removal of poor persons born in Scotland or Ireland. Each of these Acts repeals several previous enactments on the subject, and they provide that upon complaint before two justices of peace by the churchwardens and overseers of any parish, of any person born in the one case in Jersey or Guernsey, in the other in Scotland or Ireland, or the Isle of Man or Scilly, having become chargeable, the justices may cause such person to be brought before them, and after examining into all the circumstances, if it appear that such person is a native of any of the above-named places, and has not acquired a settlement in England, and has actually been chargeable to the complaining parish by himself or his family, they are to cause the person or persons so chargeable to be removed to the place of their birth. The first Act leaves the charge of removal to be defrayed by the complaining parish; but in the case of Scotch and Irish poor, and those of Scilly and the Isle of Man, the latter Act provides for the repayment of this charge out of the county-rate, and it also empowers the justices in quarter-sessions to make regulations for carrying its provisions into effect. The duration of the Act was limited to May, 1836, but it was subsequently continued.

There is an obvious distinction between sending back the natives of another country on their becoming chargeable, and removing persons from one parish to another in the same country. If the relief constituting the ground of the chargeability be administered under proper restrictions, it is very doubtful whether such a

removal can in the first case be necessary; but it is quite certain that it cannot be so in the other; and the sounder view seems to be, that it is alike unnecessary and inexpedient in both.

The conviction that a radical change was necessary, either in the Poor Law as it then existed, or in the mode of its administration, had for some years been growing stronger and stronger. The labours of the committee of 1817 did not set the public mind at rest upon the subject, but on the contrary rather served to augment the dissatisfaction and alarm, by pointing out more clearly than had before been done, the evils which everywhere prevailed through the operations of the law, and the probability, amounting almost to a certainty, of these evils continuing to increase, unless decided steps were taken to arrest their progress, and as far as might be possible to remove their cause.

The apprehensions which prevailed on account of the continually increasing charge of the poor-rates, are shown not only by the report of the committee of 1817, and the debates in parliament, and the publications of the day, but also by the bills submitted to parliament with a view to check the growing evil. One of these requires particular notice, as well for the importance of the principles involved in the bill, as on account of the character and position of the member[m] by whom, on the 8th of May, 1821, it was introduced in a speech of great power, and evincing considerable research.[n] The speech was in fact directed against poor-law relief altogether, although the Bill only proposed to establish a *maximum*, beyond which the poor-rate should in no case be carried.

Mr. Scarlett argued that an unlimited provision for the poor must operate as a premium for poverty, indolence, and immorality; that the

1821. Mr. Scarlett's Bill.

[m] Mr. Scarlett, afterwards Chief Baron of the Exchequer, and created Lord Abinger.

[n] See Hansard for 8th May, 1821, p. 573.

Poor-Laws held out to the labourer a refuge from the consequences of his own improvidence; that the evils thence arising would continue to increase, and would become so great, "that all the industry that could be bestowed on the land would be insufficient to enable it to maintain our augmented pauper population;" that in some parts of the country even now, owing to the heavy pressure of the poor-rates, it was not worth the farmer's while to cultivate the land; and so rapid had been their increase of late, "that unless some attempt were made to stem the torrent, they must at no distant period absorb all the land in the kingdom, and thus consume that on which the poor had altogether to rely." Wherefore, in his judgment, the first step to be taken was to limit the amount collected under the existing laws, by declaring a *maximum*, beyond which there should be no assessment for these rates, and "he thought it most expedient that the last year's rates throughout the kingdom should be fixed as the poor-rate maximum."

Mr. Scarlett next proposed to alter the system of administering relief. He contended that the law of Elizabeth was intended, "not to disseminate a premium for idleness, but to confer a relief for those whom old age or infirmity had rendered incapable of supporting themselves by the effort of their own industry." A practice had however grown up, he said, of not confining relief to the objects for whom alone it was originally intended, but to extend it to persons who represented themselves as unable to obtain work. The abuses of this modern practice were he declared incalculable, and the legislature ought to correct either the law or the practice. The latter was perhaps impossible, or if possible would be deemed extremely severe, as every agricultural labourer when he married "reckoned on having the second child supported by the parish, and the overseer had regularly to meet a claim of 2*s.* or 2*s.* 6*d.* per week for that purpose." Without altering

the law in other respects, he therefore proposed "to prohibit relief being given to any single or unmarried person, except in cases of actual infirmity, old age, or debility by sickness or accident." The effect of such an enactment would be, he thought, to restore habits of industry and provident regulation among the poor, and to make them look a little more to their own resources, instead, as was now the case, of compelling the really industrious classes of the community to sacrifice a portion of their hard earnings to support the idle.

Mr. Scarlett's third proposition was to prohibit removals, which would be equivalent to abolishing the law of settlement. On this, he expressed himself as being prepared to meet with much contrariety of sentiment, but his own opinion was fixed, and the result of long reflection. As the law now stood, he said, persons might be removed from the place where they sought relief, to any other where they might have a settlement, "the effect of which was to restrict the free circulation of labour, and to expose the labourer who, being unable to obtain employment in his own parish, honestly endeavoured to seek it elsewhere, to the penalty of being seized and sent back to a parish where there existed no demand for his labour, and where he was sure to remain a pauper." A more oppressive and impolitic law, he declared, never existed anywhere—it made poverty a crime, and its punishment banishment—it was at once cruel and unjust, and as injurious to the community as it was to the individual. The impolicy and inconvenience of the law was, he observed, soon felt after its passing, in the time of Charles the Second, and much pains were taken by subsequent statutes to modify the arrangements for carrying it into execution, the consequence of which was the establishment of an artificial system. "Well might Burn," he said, "when he wrote on the operation of this clause in the Poor-Laws, declare 'that it led to a greater quantity of litiga-

tion and hostile divisions than any other law on the statute-book, ay, or than all the other laws from the time of Magna Charta put together.' Such was the inevitable result of living under an artificial code of laws—the law was first made absurd, and then, instead of its being repealed to remove the incongruity, an artificial system was created in order to keep it in operation." He proposed therefore, "to abolish the law for removing paupers from one place to another by an order from justices of the peace or otherwise."

These three provisions constituted the whole of Mr. Scarlett's bill, which gave rise to a good deal of discussion both on its introduction and on the occasion of its second reading, after which the bill was withdrawn. But in the following session Mr. Scarlett introduced another bill, less comprehensive than the preceding one; and after restating his former arguments, and declaring that nothing had since occurred to alter his opinion with respect to the three provisions of his former measure, he now proposed to postpone two of them, and simply to abolish the power of removal, reserving to himself the right of afterwards proceeding with the others, as he still considered the whole three essentially necessary for correcting present evils, and for preventing the occurrence of greater hereafter. This last bill was, however, likewise withdrawn.

1822. Mr. Nolan's Bill.

On the 10th July, 1822, a few days after the withdrawal of Mr. Scarlett's first bill, another measure for amending the law was introduced by Mr. Nolan, one of the then Welsh judges, and author of a work on the Poor-Laws deservedly held in high estimation. Mr. Nolan takes a view of the question totally different from that advocated by Mr. Scarlett. He considered the Poor-Laws, when administered in their original spirit, to be of great advantage to the people. The English peasantry under the operation of these laws had, he said, outstripped the peasantry of

other countries in the race of civil refinement. But he admitted that as now administered the laws operated injuriously, and that if this were not speedily corrected the consequences would be highly prejudicial. He contended, however, that a system under which nearly two millions of the people had been lodged, clothed, and fed, and little less than eight millions of money divided annually among them, must not be suddenly overturned. "To pluck such large means of subsistence as it were from the very mouths of the poor, without affording them ample time for supplying it from other sources, would (he said) be cruel if it were safe, and would be most unwise as it would be most dangerous." He proposed therefore not to destroy the existing system for relieving the poor, but to restore and bring it back, so far as the existing grades and habits of society would admit, to the true spirit of the statute of Elizabeth. His bill was framed in accordance with this view. It contained some useful provisions, and some that are open to objection. Of the latter class, was the proposal to empower parish officers to hire out the labour of paupers, and to compel them in certain cases to wear badges—of the former, the requiring the concurrence of three magistrates to an order of relief, and the enforcing greater exactitude in parish accounts, and directing that relief-lists should be regularly made out and kept open for the inspection of the parishioners.

Mr. Nolan's bill received several amendments in that and the following sessions, but it failed in obtaining the support necessary for its becoming law; and like the bills introduced by Mr. Scarlett, had only the effect of giving rise to discussion, and keeping public attention alive to the subject. The contrast of the measures for amending the law thus proposed by two men, each possessing great experience and of considerable eminence as lawyers, and both occupying a prominent position in the legislature, may be regarded as

a fair indication of the state of public feeling at the time. All parties saw and all admitted the evils arising out of the system of administering relief under the law which then prevailed, but all were not agreed as to the remedy to be applied. Such a general concurrence of opinion was reserved for a future period. But the introduction of these and other Poor-Law measures, and the discussions which from time to time took place on the question, prepared the way for such a concurrence, and led ultimately to the appointment of the Commission of Inquiry in 1832, and greatly facilitated the passing of the Amendment Act in 1834. It would have been improper therefore to have omitted noticing the bills of Mr. Scarlett and Mr. Nolan in connexion with that important measure, to which, although so long antecedent to it, they may be said to have in no slight degree contributed. With both these gentlemen the author was at that time in communication, and some parts of Mr. Nolan's bill were adopted or modified on his suggestion. With Mr. Scarlett he was at issue on the very principle and foundation of a Poor-Law, that gentleman arguing, from the present and probable abuse, against the use of any such law; whilst the author contended for the usefulness if not the necessity of making a legal provision for the relief of the destitute, as well on the score of humanity, as for the protection of property and the general well-being of society; and he cited the example of the parish of *Southwell*, where he at that time resided, in proof of the facility with which the existing abuses might be remedied, and the administration of the law restored to its original usefulness and security.

On the 1st of February, 1832,[o] Lord Althorp, in answer to a question put to him, stated "that the general question of the Poor-Laws was a subject of

[o] See Hansard's 'Debates' of this date, p. 1099.

great magnitude, and involved such a variety of important considerations, that any member of the government, or of that House, would not be justified in bringing forward a measure that would apply generally to the whole collective system of the Poor Laws of this country; and that government was of opinion, that the best course to pursue was, by means of investigation and inquiry on the spot, to find out the effects of the different systems as they existed in different parishes throughout the country; and accordingly, that commissioners would be appointed for the purpose of ascertaining, how the different systems worked in different parishes throughout the kingdom. When the result of this comparative inquiry was before ministers, they would then be able to determine whether they would propose any measure on the subject.[p]

Intended commission of inquiry into the Poor Laws announced.

Meantime, however, and pending the inquiries soon afterwards instituted, and of which an account will hereafter be given, an Act was passed 'For the better Employment of Labourers in Agricultural Parishes until the 25th of March, 1834,' by which time, it was reasonably supposed, the inquiry would be completed, and government have matured its plans. This Act (*The 2nd and 3rd William 4th, cap.* 96) commences by reciting "that notwithstanding the many laws in force for the relief and employment of the poor, many able-bodied labourers are frequently entirely destitute of work or unprofitably employed, and in many instances receive insufficient allowance for their support from the poor-rates; and that the mode of providing employment for the poor, which may be expedient in some parishes, may be inexpedient in others, and it may therefore be desirable to extend the powers of parish vestries, in order that such a course

1832. 2 and 3 William IV., cap. 96.

[p] The commissioners were appointed immediately afterwards.

may be pursued as may be best adapted to the peculiar circumstances of each parish." It then enacts, that in a vestry convened and voting conformably with the provisions of the Parish Vestry Act (*58th George 3rd, cap.* 69),[q] if a majority of three-fourths of the ratepayers "shall come to any agreement solely for the purpose of employing or relieving the poor of such parish, such agreement shall forthwith be reduced to writing, and be submitted to the justices at their next petty sessions; and in case such agreement shall be approved by a majority of such justices, signified by their signatures thereon," such agreement shall be binding upon the ratepayers, for any period not exceeding six months which may be specified therein. But after noticing, that in many parishes and places "it has been the custom to pay to labourers and others less than the common rate of wages for their labour, and to make up the deficiency from the poor-rates," *the 4th section* expressly provides, "that nothing herein contained shall extend so as in any way to legalize or sanction any such proceeding." It is also provided that the rates are not to be applied in payment of any labour performed in another parish; and that the Act "shall not extend to any city or town containing more than one parish, nor to any parish where the poor-rates shall not exceed five shillings in the pound on the full or rack rental."

This being a temporary measure, and intended only to remain in force until one of a more comprehensive nature should be matured, requires no comment. But before entering on the larger question, there is one Act chiefly affecting the poorest description of the people, and therefore coming into close connexion with the Poor-Law, which requires to be noticed; that is, the Act passed for the protection of boys apprenticed

[q] Ante, p. 192.

to chimney-sweepers. There had been a previous Act for this purpose (28*th George* 3*rd*, *cap.* 48), which is now declared to be insufficient, and is therefore repealed by *The* 4*th and* 5*th William* 4*th*, *cap.* 35, which directs that "no child who shall not have attained the age of ten years, shall be bound or put apprentice to any person using the trade or business of a chimney-sweeper;" and that no chimney-sweeper or other person who is not a housekeeper and rated to the relief of the poor, or assessed for payment of taxes, shall be capable of taking an apprentice to learn the business of a chimney-sweeper, or of employing in such trade any child under the age of fourteen years." Apprentices under that age are to wear a brass plate in front of their leather cap, with the master's name and that of the apprentice engraved thereon. No master chimney-sweeper is to let out any child for hire, neither is he to hire or employ any child under the age of fourteen other than a bound apprentice, under a penalty of 10*l.* And before any boy shall be bound by indenture to learn the business of a chimney-sweeper, he is to have a previous trial not exceeding two months, and be of the full age of ten years: after such trial, the justices may sanction the binding of the boy; but in case the boy shall be unwilling to be bound, they are required to refuse their sanction thereto. Any master ill-treating an apprentice, is subject to a penalty of 10*l.*; and the justices are empowered to inquire into complaints made by the apprentices or their masters, "and to make such orders therein respectively, as they are by law enabled to do in other cases between masters and apprentices." There are other provisions regulating the size and angles of flues, but the above are all that apply to the boys for whose protection the Act was chiefly framed; and who, being generally the children of persons of the very poorest class, were often exposed to

1834. 4 and 5 William IV., cap. 35, Chimney-sweepers.

great hardships, and stood much in need of such protection.[r]

We have now nearly arrived at the period, when the great measure for the amendment of the Poor Law received the Royal assent, and became incorporated with the statutes of the realm.[s] Our progress towards this most important portion of our subject has been slow, and may possibly sometimes be deemed tedious: but unless all that had been previously done were stated and explained, and the condition of the people indicated from time to time, in connexion with the changes that were made in the law, the object of these changes, and the influences under which they took place, would not be so well understood; neither would the law itself, and its bearing upon our national habits and feelings, be so correctly appreciated, nor the remedies at present required be so clearly seen or so fittingly applied. Such a detail of the preceding enactments and events as has been given, seemed therefore to be necessary for a thorough understanding of the question, in all its relations socially and morally, as it existed at the time when the Amendment Act was introduced. It appeared moreover desirable, in an historical point of view, that enactments so peculiar in themselves, and so materially affecting the well-being of a large portion of the community, should be distinctly exhibited, conjointly with the motives which gave rise to them, as far as these could be ascertained, and with their results or consequences as far as they could be traced. On these views the author has hitherto proceeded, and he will continue to be guided by them in recording and commenting on the provisions of the Poor Law Amendment Act, and the circumstances which preceded, accompanied, and fol-

[r] Since this Act was passed, the sweeping of chimneys by boys has been prohibited, except in certain specified cases, the process being now almost invariably effected by machinery, a change greatly to be commended.

[s] This took place on the 18th of August, 1834.

lowed the passing of that measure, in most of which it was his privilege to bear a part.

Before entering upon this part of the subject, however, it will be expedient, by way of further preparation, to give a brief summary of the state of the law, and of the effects attending it, at and anterior to the introduction of the Amendment Act.

The laws for the relief of the poor had always continued to be essentially based upon the *43rd of Elizabeth*. The parish was considered responsible for relieving all who were destitute through age or infirmity, and for setting to work all able-bodied persons who declared that they were unable to find it for themselves, or, in the words of the Act, "had no means to maintain them and used no daily trade of life to get their living by." This responsibility of parishes for providing employment, is affirmed by the *59th George 3rd, cap.* 12, *sec.* 12; by the *1st and 2nd William 4th, cap.* 42; and again so late as 1832, by the *2nd and 3rd William 4th, cap.* 96;[1] but in the latter Act, as has just been seen, with a proviso against making up any deficiency of wages out of the poor-rates,—a practice then for the first time specifically prohibited.

From the responsibility thus cast upon parishes of finding employment for all who require it, conjoined with the law of settlement, the chief evils and abuses in the administration of the English Poor Law may be said to have sprung. The settlement law tended to accumulate an excess of labourers in a parish, and consequently to cause a dearth of employment; and the liability of the parish to furnish employment led to indolence, improvidence, and want of energy on the part of the labourers, and to parochial jobbing on the part of the ratepayers and local authorities, under the guise of labour-rates, roundsmen, bread-scales, making

[1] Ante, p. 193, and pp. 214 and 227.

up wages, and other practices, opposed alike to sound principle, and to the original intention of the law, which empowered no man to claim employment as a right. The natural right to support, coupled with employment as a means, is merged in the laws of civilized life; and the price of labour, like other prices, must depend on the demand for it.

With respect to the relief of the indigent, the old laws of the *3rd William and Mary, cap.* 11,[u] and the *9th George* 1*st*, *cap.* 7,[x] providing against a lax administration, or improperly placing persons on the list as "fit to receive collection," although still in force, were little attended to, being practically over-ridden by more recent enactments of an opposite character. A new spirit had in fact sprung up, and instead of checking a recurrence to parish-relief, and guarding against its over-free or improper administration, the chief object appeared to be to render it as accessible as possible to all who seemed, from whatever cause, or in whatever degree, to need it. This was the leading feature of Gilbert's Act (*The* 22*nd George* 3*rd*, *cap.* 83),[y] and of most of the local Acts passed from time to time. The poor were to be better provided for—the aged and infirm in comfortable buildings, misnamed workhouses; and for those who were able to labour, suitable employment was to be found. The duty of the labouring classes to provide for themselves was superseded, and the public undertook the responsibility of maintaining the infirm poor in a state of comfort, and of finding work for the able-bodied at wages sufficient for their support.

But as if this were not enough, and in order to secure the full enjoyment of these advantages independently of the parish officers, who might be over prudent or penurious in dispensing the parish money, the 36*th George* 3*rd*, *cap.* 23,[z] enabled a justice of peace, at his

[u] Ante, vol. i. p. 341.
[x] Ante, p. 14.
[y] Ante, p. 89.
[z] Ante, p. 122.

discretion, to order relief to any industrious poor person at his own home, instead of its being given in a house hired or purchased "for lodging, keeping, maintaining, and employing poor persons," which is declared to have been found inconvenient, inasmuch as it sometimes prevented such occasional relief as best suited a poor person's peculiar case. Every person, therefore, as the committee of 1817 remark in their report, "who was dissatisfied with the decision of the overseer, of course applied to the justice, to whom his wants and habits must generally be less known; and in default of the attendance of the officers, which, constituted as the office of overseer is, frequently happened, either from the distance of the magistrate, or from the pressure of other business, an order or recommendation was given on the statement of the applicant alone."

The relief thus ordered was by the 55*th George* 3*rd*, *cap.* 137,[a] to continue for three months, if the order were given by a single magistrate, but two justices might continue it indefinitely, by renewing the order. The 59*th George* 3*rd*, *cap.* 12,[b] required the concurrence of two justices to an order of relief, and limited the time for which it might be given to one month; but the restrictions thence arising were in great measure neutralised, by one justice being empowered to make such order in any case of emergency, of which he was constituted sole judge. The overseers of a district were, therefore, as has been stated, at the mercy of any two magistrates, and to a considerable degree at the mercy of one. The pauper might select those magistrates whom misdirected benevolence, or desire of popularity, or timidity, led to be profuse distributors of other people's property, and bring forward his charges against the overseer almost with a certainty of obtaining a verdict. He appeared in the character of an injured

[a] Ante, p. 161. [b] Ante, p. 193.

man, dragging his oppressor to justice. If he failed, he lost nothing; if he succeeded, he obtained a triumph and a reward.[c]

Law of settlement.

The law of settlement established by the 14*th Charles* 2*nd*, *cap.* 12,[d] together with certain additions made thereto by subsequent Acts, prescribing the conditions on which a right of settlement was to be acquired, remained in force. The first of these Acts is the 3*rd William and Mary*, *cap.* 11, conferring a right of settlement on persons serving an office or paying taxes in a parish. The others are the 54*th and* 59*th George* 3*rd*, *caps.* 170 *and* 50; the 6*th George* 4*th*, *cap.* 57; and the 1*st William* 4*th.*, *cap.* 18, in which the several branches of settlement, by birth, hiring and service, apprenticeship, and owning or renting a tenement, are defined. But by far the most important addition to the settlement law was the 35*th George* 3*rd*, *cap.* 101,[e] entitled 'An Act to prevent the removal of Poor Persons until they shall become actually chargeable.' This statute goes far to remedy some of the worst evils of settlement; for although it does not put an end to the falsehood, fraud, perjury, and litigation which are the natural consequences of the law, nor very materially lessen the expense attending it, yet this Act prevented much oppression, and the infliction of great hardships and misery, by prohibiting the removal of persons merely under the apprehension, real or assumed, of their eventually becoming chargeable. This could afterwards no longer be done, and the 35*th George* 3*rd* was therefore a great boon to the industrious classes. The other evils of settlement still remained, alike depressing the labourer and injuring the employer; but the one from usage had gotten to consider his settlement a privilege, and the other had become callous or blinded to its real effects.

[c] Report of Poor Law Commission of Inquiry, 8vo. edition, p. 133.
[d] Ante, vol. i. p. 293.
[e] Ante, p. 118.

Parish vestries, and the ordering of parochial affairs generally, continued to be conducted under the provisions of the 17*th George* 2*nd*, *cap.* 38,[f] until the passing of the Parish Vestries Act,[g] in 1818, and the Act for constituting select vestries passed the year following,[h] after which there was no change in the law until 1831, when the option of adopting a larger and more liberally constituted executive for the management of their affairs than was attainable under the provisions of the Select Vestry Act, was given to parishes by the 1*st and* 2*nd William* 4*th*, *cap.* 60, introduced by Mr. Hobhouse, and still bearing his name. The collection of the poor-rates, and the proceedings necessary thereto, were provided for by the 41*st George* 3*rd*, *cap.* 23; but the assessments on which the rates were founded, continued nevertheless to be very unequal, and consequently in many instances unfair. The enactment in the 59*th George* 3*rd*, *cap.* 12, *sec.* 19, empowering the parishioners in vestry to rate the owners of tenements of the value of 6*l.*, and not exceeding 20*l.* a year, instead of the occupiers, proved of little avail, it being left optional to be adopted or not; but such a practice prevailed with advantage in some places, under the provisions of local Acts. Parish vestries.

The numerous Acts regulating apprenticeship, extend from the 43*rd of Elizabeth* downwards. The principal of them are the 2*nd and* 3*rd Anne*, *cap.* 6,[i] prescribing the manner in which boys are to be apprenticed to the sea-service; the 18*th George* 3*rd*, *cap.* 47,[k] reducing the period of apprenticeship from the age of twenty-four to that of twenty-one; the 42*nd George* 3*rd*, *cap.* 46, requiring the parish officers to keep registers of all apprentices bound out by them; the 56*th George* 3*rd*, *cap.* 139,[m] and the 4*th George* 4*th*, Apprenticeship.

[f] Ante, p. 34.
[g] 58th George 3rd, cap. 69, p. 192.
[h] 59th George 3rd, cap. 12, p. 193.
[i] Ante, vol. i. p. 383.
[k] Ante, p. 87.
[m] Ante, p. 166.

caps. 29 *and* 34,[n] by which apprentices are placed under the special charge of the justices, both as regards their binding out and subsequent treatment. The laws which apply to bastardy, like those regulating apprenticeship, extend downwards from the time of Elizabeth. By the 6*th George* 2*nd*, *cap.* 31,[o] any person charged with being the father of a bastard child may be immediately apprehended. The 49*th George* 3*rd*, *cap.* 68,[p] provides for indemnifying parishes against the charge of bastardy; and the 50*th George* 3*rd*, *cap.* 51,[q] repeals the provision of the 7*th James* 1*st*, *cap.* 4,[r] for the punishment of any woman who has a bastard child.

Bastardy.

All these successive Acts bear evidence of a continually increasing amount of humane and kindly feeling in the public and the legislature, and this is especially observable in the Acts which apply to apprentices, on whose protection and well-doing all possible care seems to have been bestowed. The same may be said with respect to pauper lunatics, whose helplessness differs little from that of childhood, except in its being in the majority of cases permanent and irremediable, and for whose protection we have just seen that provision is humanely made by the 9*th George* 4*th*, *cap.* 40.

Pauper lunatics.

In enumerating the statutes by which the administration of relief to the poor was regulated, we must not omit the new Vagrant Act, the 5*th George* 4*th*, *cap.* 83;[s] for although vagrancy and pauperism are no longer blended, as in the early statutes, the distinction between them is not always readily perceptible; and in a law for repressing the first, provision must be made for cases in which the two may become

Vagrant Act.

[n] Ante, p. 206.
[o] Ante, p. 23.
[p] Ante, p. 148.
[q] Ante, p. 150.
[r] Ante, vol. i. p. 233.
[s] Ante, p. 208.

mingled, if not identical. This is done in the above Act, founded in the main on the 17*th George* 2*nd*, *cap.* 5, and the 32*nd George* 3*rd*, *cap.* 45, but modified and adapted to existing circumstances—that is, to the enormous increase of wealth and population which had taken place in the interim, and to the habits and intelligence of the time, which would not tolerate the harshness and severity of the older statutes.

This summary of the several enactments providing for the relief of the poor, and the brief notice of their general effects, will be a fitting preparation for entering, as we shall now do, upon a consideration of the proceedings of the commissioners who were appointed to investigate the subject, immediately after the announcement by Lord Althorp, of its being the intention of government to forthwith institute such an inquiry.[t]

Commissioners appointed to inquire into the operation of the Poor Laws, and report thereon, Feb. 1832.

The commissioners appointed by the crown in February, 1832, were directed "to make a diligent and full inquiry into the practical operation of the laws for the relief of the poor in England and Wales, and into the manner in which those laws are administered; and to report whether any and what alterations, amendments, or improvements may be beneficially made in the said laws, or in the manner of administering them, and how the same may be best carried into effect." They were empowered to appoint assistant or itinerant commissioners to visit the several districts, both urban and rural, and report the practices which they found to prevail, so that the different modes in which relief was administered in different parts of the country, and the effects produced in each case might become known, and serve as guides in framing any measure which the commissioners might deem it necessary to recommend. The assistants were appointed, and instructed in the

[t] See ante, p. 225.

nature of the duties required from them, with as little delay as possible, and queries were likewise extensively circulated throughout the country, the returns to which afforded much valuable information.

The subject to be inquired into was, however, so large and complicated, that much time was unavoidably occupied in preparation, and in what may be called preliminary matters, producing no immediate result. But on the 19th of March, 1833, in compliance with a request to that effect, the commissioners presented to government a volume of extracts, containing generally the substance of the information they had up to that time received, and which, although comprising only a small portion of the evidence in their possession, they declared it to be their belief "contained more information on the subject to which it relates than had ever yet been afforded to the country." The commissioners further remark, that "the most important, and certainly the most painful parts of its contents are, the proof that the maladministration, which was supposed to be principally confined to some of the agricultural districts, appears to have spread over almost every part of the country, and into the manufacturing towns: the proof that actual intimidation, directed against those who are, or are supposed to be, unfavourable to profuse relief, is one of the most extensive sources of maladministration; and the proof that the evil, though checked in some places by extraordinary energy and talent, is on the whole steadily and rapidly progressive."

A volume of extracts of the information obtained, published by the Commissioners, 19th March, 1833.

This volume of extracts was distributed throughout the country, and produced a very marked effect on the public mind, the information it contained being admirably selected and arranged for the purpose. It was followed on the 20th of February in the succeeding year, by the full and very elaborate report of the commissioners, with an abridged supplement appended,

and also accompanied by an appendix, of which the commissioners remark, "The evidence contained in our appendix comes from every county, and almost every town, and from a very large proportion of even the villages, in England. It is derived from many thousand witnesses of every rank, and of every profession and employment—members of the two houses of parliament, clergymen, country gentlemen, magistrates, farmers, manufacturers, shopkeepers, artisans, and peasants, differing in every conceivable degree in education, habits, and interests, and agreeing only in their practical experience as to the matters in question, in their general description both of the mode in which the laws for the relief of the poor are administered, and of the consequences which have already resulted from that administration, and in their anticipation of certain further consequences from its continuance." The commissioners then declare their opinion, that "the amendment of those laws is perhaps the most urgent and the most important measure now remaining for the consideration of parliament;" and they express a hope that they shall facilitate that amendment "by tendering the most extensive, and at the same time the most consistent, body of evidence that was ever brought to bear on a single subject." The report is signed by the Bishop of London, the Bishop of Chester, Sturges Bourne, Nassau W. Senior, Henry Bishop, Henry Gawler, W. Coulson, James Trail, and Edwin Chadwick,—names deserving to be held in grateful remembrance by all who love their country, and feel an interest in the welfare of the people.

The Report of the Commissioners is published, February 20, 1834.

Names of the Commissioners by whom the Report was signed.

That there were grounds for the alarm at this time prevalent, as to the consequences resulting from the maladministration of the Poor-Laws, independently of the evidence now adduced by the commissioners of inquiry, will be sufficiently apparent on reference

to the continual, and of late years rapid increase of the rates. At the accession of George the First, in 1714, the poor-rates, according to the best estimate we have been able to form, amounted to 950,000*l.*, equal to 3*s.* 3¾*d.* per head on the population, which then, on a like estimate, amounted to 5,750,000. At the accession of George the Third, in 1760, the population is estimated to have increased to 7,000,000, and the poor-rates to 1,250,000*l.*, showing an average of 3*s.* 6¾*d.* per head on the population; whilst in 1834 the population, deduced from the census of 1831, is 14,372,000, and the money actually expended in relief of the poor, independently of county-rates and other purposes, amounted to 6,317,255*l.*, which is equal to 8*s.* 9½*d.* per head on the population. This enormous increase of the charge for relieving the poor (it having quintupled since 1760, whilst the population had only doubled) could not fail to excite alarm in all who thought on the subject. The charge had, however, been higher than it was in 1834, having in 1818 reached its maximum of 7,870,801*l.*, or 13*s.* 3*d.* per head on the population. The total amount raised in that year, under the head of poor-rates, was 9,320,440*l.*, out of which, however, 1,449,639*l.* was applied in payment of the county-rates and other items of local expenditure.

Example of Bingham and Southwell.

The example of *Southwell*, and the mode of administering relief practised there and at *Bingham*, had so much influence on the framing of the great measure of 1834, that it seems necessary to state in some detail the nature of that practice, by way of preliminary to the recommendations of the commissioners of inquiry, and in order to a better understanding of the grounds on which the Amendment Act itself was framed. The task of doing this is not without its difficulties, the author having taken an active part in the proceedings he is about to describe in the case of *Southwell*. At *Bingham* (both places are in the

county of Nottingham, but on different sides of the Trent) similar results had followed the adoption of a similar practice under the supervision of the Rev. Mr. Lowe. The means used and the effects produced being essentially the same in both cases, it will be sufficient to describe what was done at *Southwell*, where the system was more thoroughly organised and matured, and respecting which the author is furthermore enabled to speak with greater confidence. He has likewise the advantage of being able to refer to a publication prepared by him at the time, partly for the purpose of making the system more generally known, and partly with the view of lessening the opposition which, in common with all innovators, he and his colleagues had to encounter in carrying out the needful reforms.[u]

The practice at Southwell.

The parish of Southwell contained a population of 3,051 persons according to the census of 1821.[x] The annual value of property in the parish assessed to the relief of the poor was 9,681*l.*,[y] the land being rated at 19*s.* 6*d.* in the pound on the assumed annual value, and buildings at a third less, or 13*s.* in the pound. The money actually expended in relieving the poor, independently of county-rates, law expenses, and churchwardens' and constables' accounts, amounted for the year ending at Lady-day 1821 to 2,006*l.* 7*s.*, equal to 13*s.* 1¾*d.* per head on the population; and which, considering the number of persons in easy or opulent circumstances residing in the parish, was certainly a high average. The church at Southwell is one of the old collegiate establishments, having then sixteen prebendaries,[z] and a large staff of other officials, besides

[u] The publication above referred to bears the title of 'Eight Letters on the Poor Laws, by an Overseer,' that being the office the author then held at Southwell. The Letters were originally printed in 'The Nottingham Journal' in 1821, but in the year following were published as a pamphlet.

[x] At the census of 1831 the population of Southwell amounted to 3384.

[y] The annual value assessed to the property-tax in 1815 was 10,462*l.*

[z] The number has since been reduced.

whom there were many persons of great respectability residing in the parish, which ought to have reduced the average. The charge had been somewhat higher in 1818, but the above is about the amount at which the expenditure had stood for the preceding six years.

A workhouse had been erected at Southwell in 1808, and was maintained at a considerable expense; but it had been of little use to the parish, if indeed it was not rather a positive evil, for there was little order or discipline observed in it, and it had become the resort of the idle and profligate of both sexes. There was a paid overseer to assist the ordinary overseers in the performance of their duties, and a bench of magistrates assembled weekly in petty sessions, by whom in fact the business of the parish was conducted. An applicant for relief was almost certain of a favourable reception from the Bench, and the opposers of the application were almost as certain of rebuke. Matters went on thus, until the circle of pauperism became so widened as to embrace nearly the whole labouring population. Self-reliance and provident habits were destroyed, all occasion for them being superseded by the intervention of the parish. A stripling marries a girl as ignorant and perhaps more youthful than himself. They immediately apply to the overseers to provide them a house, and for something also towards getting them a bed and a little furniture. The birth of a child approaches, and the overseer is again applied to for a midwife, and for money to help them in the wife's "down-lying." Perhaps the child dies, and the parish then of course has to bury it; and if it lives, the parish must surely help to maintain it. And so it was throughout the whole range of their existence—in youth and in age, in sickness and in health, in seasons of abundance and in seasons of scarcity, with low prices or with high prices —the parish was still looked to and relied upon as an unfailing resource, to which every one clung, and from

which every poor man considered that he had *a right* to obtain the supply of every want, even although such want were caused by his own indolence, vice, or improvidence.[a]

Such were the circumstances of the parish, when the author, at Lady-day 1821, undertook the office of overseer of the poor in Southwell, his colleague and the two churchwardens being respectable tradesmen of the place, with whom, it is right to state, he had the satisfaction of acting throughout with perfect confidence and cordiality. The result of their operations in a moneyed point of view, was the reduction of the actual expenditure for relief of the poor from the amount above stated of 2,006*l.* 7*s.* in 1820-21, to 1,425*l.* 18*s.*[b] in 1821-22, to 589*l.* 7*s.* in 1822-23, and to 517*l.* 13*s.* in 1823-24, about which amount it remained with little variation during the nine following years. In 1832-33 it was 605*l.* 14*s.*, and there appeared no likelihood of any material further increase.

The means by which this reduction of expenditure, and consequent reduction of pauperism, was effected, consisted in attending to the interests of the ratepayers, as well as to the relief of the poor—in taking care that whilst the latter had all that the law required, that is all that was really necessary, there should be nothing more, nothing calculated to induce people to depend on the parish, instead of relying upon their own exertions. But whilst acting on this principle, and doubtless more stringently than had previously been the practice, the overseers were constantly liable to be embarrassed by the interference of the magistrates in ordering relief in particular cases; and they found that they could move

[a] The latter portion of this paragraph is extracted from a statement of the proceedings at Southwell, which the author drew up in the early part of 1834, at the request of the Inquiry Commissioners, with reference to the Poor Law Amendment Bill then in course of preparation.

[b] This included 256*l.* 2*s.* 3*d.* expended in putting the workhouse into an efficient state.

with safety only so fast and so far as the Bench would move with them. It was this, that first led them to think of the workhouse as a means of securing for themselves greater freedom of action, an offer of relief therein satisfying all that the law required, and in most instances preventing further interference by the Bench. But in its then state, the Southwell workhouse was insufficient for any useful purpose. It was under charge of an elderly female, was at all times open to ingress and egress, and although in its construction provision had been made for the separation of the sexes, the rule had not been observed; in short, the workhouse not only occasioned great expense, but was also a source of demoralization in the parish.

The Southwell workhouse.

The first step in the way of improvement therefore was to put the workhouse into proper order, which was accordingly done. The building and yards were enclosed by walls, sufficiently high to prevent persons entering or leaving the premises without permission. A competent master and matron were appointed, and a set of rules framed for their guidance. The sexes were kept separate, and a certain degree of classification of the inmates was established; so that although the dietary was better than generally fell to the share of labourers' families, the restraints which were imposed made them unwilling to enter the house if they could possibly avoid it; and thus an offer of admission to the workhouse became, in the hands of the overseers, a test of actual distress in the applicant for relief, and a protection of the parish from improper claimants. With a workhouse thus constituted to fall back upon, the overseers proceeded more boldly in their endeavours for effecting retrenchment, with what success the following statement will show.

Employment by the parish discontinued.

In the year 1820-21, no less than 292*l.* 10*s.* had been expended in providing employment for able-bodied labourers; this was reduced in 1821-22 to 91*l.* 7*s.* 6*d.*, and in 1822-23 to 2*l.* 10*s.* 6*d.*,

after which year no employment of any kind was provided by the parish, the workhouse being offered to all who professed not to be able to find work for themselves. Very few of such offers were accepted, not more than three or four at the utmost, and in those cases the parties remained but a short time in the house. Nor did the labourers quit the parish in consequence of its not providing the accustomed employment. Finding that they were cast upon their own resources, they used greater exertions to obtain work; whilst the farmers, finding that the parish would no longer support their labourers in winter or at slack times, were induced to keep them more constantly employed, in order to secure their services in the busier seasons.

Allowances to persons in employment discontinued.

But not only was the practice of finding employment discontinued, the yet more mischievous practice of making allowances out of the poor-rates to persons in employment, or of giving relief in other modes to eke out earnings or in aid of wages, was likewise put an end to, the workhouse being still the fulcrum of our operations, or the alternative offered in each case. This pernicious practice prevailed extensively at Southwell, as it did in most other places. In the first of the 'Eight Letters' above referred to, after pointing out the consequences that must arise from such a practice, the "Overseer" asks—"Are not the mechanics in our towns almost universally paid a portion of what is called their earnings out of the poor-rates? Have not the very stockings which I now wear been in part paid for by the parish in which they were made? Is there a farmer throughout the kingdom who has not a part of his labour (and in many instances a large part too) performed at the expense of the parish? Are not great numbers of the labouring classes housed, clothed, and fed, from year's end to year's end, by their respective parishes?" He then proceeds—"So wide indeed has this pestilent system spread, that its influ-

ence may be everywhere detected. But this is not all —it is and must continue to be an *increasing* evil; and unless it be rigorously opposed, it will, and necessarily must, bring the whole of our working population within its vortex—they cannot of themselves resist its influence, however well disposed they may be to do so—they must *all*, in the end, throw themselves on their parishes or starve." This result, or anything approximating to it, was happily averted at Southwell by the total abandonment of the practice; and although some discontent was at first manifested on the withdrawal of the accustomed allowances, it soon passed away, and the labouring classes, rescued from such a taint of pauperism, assumed a better position and evidently improved both socially and morally.

Payment of rents discontinued.

As was the case with employment, so it had been the practice at Southwell to provide dwellings, or to pay the rents of cottages for labourers and others. In 1820-21, the rents so paid amounted to 184*l.* 18*s.* In the following year they were reduced to 85*l.* 6*s.* After which no rents whatever were paid out of the poor-rate, the people being left to provide habitations for themselves, as well as the other necessaries and conveniences of life, and the workhouse being still offered as an alternative in every case.

Relief generally reduced.

The relief afforded to those who came under the designation of permanent poor, was less reduced or altered than any other branch of expenditure. They were for the most part aged and infirm, and were little interfered with in any way. But the relief to the casual or occasional poor admitted of considerable curtailment, and was reduced from 138*l.* 9*s.* 4*d.* in 1820-21 to 68*l.* 7*s.* in 1822, to 33*l.* 13*s.* in 1823, and to 19*l.* 10*s.* 6*d.* in 1824. The relief of the non-resident poor, that is, those having a settlement in Southwell but residing elsewhere, was also materially reduced. This class of annuitants was peculiarly open to fraudu-

lent misrepresentation and abuse, and required in every case a strict investigation of all the circumstances. The amount of non-resident relief in 1820-21 was 93*l.* 8*s.* 6*d.*; in 1821-22 it was 41*l.* 17*s.*; in 1822-23 it was 30*l.* 16*s.*; and in 1823-24 it was brought down to 13*l.* 7*s.* 6*d.*, the alternative of an order for the workhouse being offered whenever the relief was discontinued or reduced.

Bastardy had prevailed much in Southwell, and the expense to the parish thence arising was considerable. In 1820-21 it amounted to 60*l.* 1*s.* 6*d.*; in 1821-22 to 79*l.* 13*s.* 6*d.*; in 1822-23 to 26*l.* 8*s.* 6*d.*; in 1823-24 to 13*l.* 0*s.* 6*d.*; and in 1824-25 to 20*l.* 1*s.* 6*d.*, about which amount, the charge under the head of bastardy continued during the next ten years. All the changes in dealing with this difficult question were made with the view of inducing greater restraint on the part of the female, where alone it would be effective. The practice had been lax in this respect; the sympathy for the mother, who was ostensibly the greatest sufferer, operating as a palliative for her lapse from virtue, and causing its consequences to the community to be overlooked or lightly regarded. Bastardy.

Soon after the workhouse had been brought into effective operation, and when some progress had been made in economising expenditure, it was determined to make the rating for relief of the poor universal in the parish, and that none should be excused. Hitherto most of the cottages and dwellings of the working classes had been omitted in the collection, and the poor-rates came to be regarded in the light of a contribution by the affluent for the benefit of the needy; and so viewed, we cannot wonder that the latter should be desirous of obtaining as much of the supposed benefit as possible. No poor man, that is, no labouring man, hesitated to dun the overseers for what he considered his share of the poor-rates, nor scrupled to resort to trick or subterfuge for the purpose of None excused paying the poor-rate.

obtaining it. If every individual, whether poor or rich, were required to pay the rate, it would to some extent serve as a corrective to this evil, and be a protection to the ratepayers generally; and this was accordingly done. Even those in receipt of an allowance from the parish were required to pay their poor-rates, which thus became a contribution, not from one class only for the benefit of another, but from all of every class for relieving the necessities of the indigent; and the administrators of this relief were enabled to say, that their duty to the poor as well as to the rich, required from them the exercise of a strict economy in dispensing it. The consequences in other respects were also beneficial, for the people took a pride in these payments, and exhibited the printed receipts which they obtained in return, as proofs that they also had contributed for the common benefit.

Workhouse school.

In aid of the other measures for improving parochial administration at Southwell, a school was opened in a building adjoining the workhouse, to which one or more of the children of labourers burthened with large families and applying for relief, were admitted and kept during the day, returning to their parents at night. The "Overseer" states, that "the children were employed in a way suitable to their ages, were wholesomely fed, were taught to read their Bible, and instructed in their duty towards God and man. Those children who attended on Sundays had their dinners given to them, and were taken regularly to church." [c] A hope is then expressed that benefit may accrue from this plan of combining instruction with relief, and the manners and appearance of the children taken into the workhouse school are said to have been materially improved.

Although the workhouse was now made so much more useful than it had been theretofore, the cost of

[c] 'Eight Letters on the Poor Laws, by an Overseer:' see p. 30.

maintaining it was, in common with all the other parochial charges, materially reduced. In 1820-21 the various disbursements for the workhouse amounted to 410*l.* 17*s.* 6*d.*; in the following year (including 256*l.* 2*s.* 3*d.* expended in alterations and putting the house into an effective state) they amounted to 451*l.* 5*s.* 7*d.*; in 1822-23 the amount was 142*l.* 17*s.* 7*d.*; and in 1823-24 it was 133*l.* 6*s.* 2*d.*, about which sum, or occasionally a little over, it continued during the remainder of the period.

Cost of workhouse relief.

The success attending the new organization and use of the workhouse at Southwell, led, in the latter end of 1823, to the incorporation of forty-nine of the neighbouring parishes, under the 22*nd George* 3*rd*, *cap.* 83, for the purpose of providing a common workhouse, and managing the poor of the associated parishes according to the system adopted in Southwell. In thus acting, it was totally overlooked that the principle of this statute (known as Gilbert's Act) was in every respect at variance with the Southwell practice, except only as respects the providing of a workhouse; but this was disregarded. The machinery of the Act enabled the parishes to unite, and to raise money, and erect the necessary buildings; and this being done, and the workhouse managed without strictly observing the provisions of the Act under which it was constituted, the 'Thurgarton Hundred Incorporation' became a useful fence against the spread of pauperism in that district. It did not effect any material reduction of the rates, but it was a means of preventing their increase.[d]

'Thurgarton Hundred Incorporation.'

[d] The author was mostly absent from Southwell after 1823, and in 1827 he altogether ceased to reside there. He, however, visited it occasionally, and never failed to inquire into the state of the parish, and the working of the incorporation. It was on one of these occasional visits that he was greeted in the market-place by a number of labourers with expressions of hearty good-will, and with declarations of his having been their best friend, for that he had compelled them to take care of themselves. How gratifying this must have been will be readily imagined.

The reformation which has been just described was as complete, as the means by which it was accomplished were direct and simple; and in this respect the example of Southwell was of great importance to the Commissioners of Poor-Law Inquiry, whose main object it was to discover some means susceptible of ready and universal application, and that would be effective for correcting the evils arising out of the Poor-Law as then administered. There were other parts of the kingdom where those evils had attained a greater head, but every variety of them existed in a greater or less degree both at Southwell and at Bingham, and had there been successfully dealt with and overcome. The examples of *Southwell* and *Bingham* were therefore of infinite value to the commissioners, on whom had been devolved the duty of devising a remedy for the abuses of the Poor-Laws; and they were relied upon accordingly as instances of substantial reforms, founded upon and growing out of the practical application of a principle simple and effective, and that might be reasonably expected, wherever it was adopted, to be as effective as it had proved in the case of these two parishes. This principle consisted in so regulating the distribution of parish relief, as to ensure its non-acceptance unless under circumstances of actual want, such want being at the same time always certain of finding the relief of which it stood in need. A well-regulated workhouse answers these two conditions. No person in actual want will reject the relief proffered therein, and a person not in actual want, or who has the means of providing for his own support, will not submit to the restraints by which the relief is accompanied. Workhouse relief will be more repugnant than labour to persons able to perform work of any kind, whilst to those who are infirm and disabled as well as indigent the workhouse will be a refuge against want.

The workhouse principle.

Workhouse relief, or the workhouse principle, as

here stated, was the foundation of the reforms which had been effected at Bingham and at Southwell. Other matters of much interest and importance, and requiring to be kept in view as examples to be followed or beacons to be avoided, were elicited in course of the investigations instituted by the commissions of inquiry, whose assistants examined into and reported upon the practices which prevailed in every part of the kingdom; but in no instance was anything discovered so simple and complete, or of equal efficiency as a corrective, or that was so susceptible of general application, as the workhouse principle developed and established at Southwell.

CHAPTER XV.

Report and recommendations of the Poor-Law Inquiry Commissioners—Speech of Lord Althorp on introducing to the House of Commons a bill founded on the commissioners' recommendations — Speeches of Lord Brougham and the Duke of Wellington — Passing of the Poor-Law Amendment Act — Summary of the Act — Disturbed state of the country — Expenditure from the poor-rates — Amount of rates, and prices of wheat.

THE inquiry commissioners, in their report of 1834, give a very full summary of the evidence which had been obtained, and of the conclusions to which they had come, on the several points of chief importance in poor-law administration; and to this report it is now necessary that we should direct our attention, before entering on a consideration of the Amendment Act which was founded upon it.[a]

1834. Report of the Poor-Law Inquiry Commissioners.

The commissioners commence their report by first detailing their course of procedure, and then giving a brief summary of the progress of the Poor-Law, after which they describe the nature of the relief which it was the practice to give to able-bodied persons, in kind, in money, without labour, in aid of labour or the allowance system, the roundsmen system, and by parish employment,—in all of which several modes of relief numerous instances of abuse and malpractice are cited, leading to consequences injurious to every class of the community, to the ratepayer and the employer as well as the labourer. The practice of in-door relief is next considered,—that

[a] See 'Report from the Commissioners for Inquiry into the Administration and practical Operation of the Poor Laws,' dated February 20th, 1834.

is, the relief "given within the walls of the poor-house, or, as it is usually, but very seldom properly, denominated, the workhouse." This is likewise declared to be subject to great maladministration, many instances of which are also cited; whilst it is on the other hand admitted, that "in some few instances, among which *Southwell*, in Nottinghamshire, is pre-eminent, the workhouse appears to be a place in which the aged and impotent are maintained in comfort, and the able-bodied supported, but under such restrictions as not to induce them to prefer it to a life of independent labour."

The commissioners declare that the evils consequent on the existing system of administering relief, both indoor and out-door, are, "on the whole, steadily and rapidly progressive." The effects on the owners of property are then stated, including the case of Cholesbury in Buckinghamshire, where, in 1832, it is said, the collection of the poor-rate had "suddenly ceased, in consequence of the impossibility to continue its collection, the landlords having given up their rents, the farmers their tenancies, and the clergyman his glebe and his tithes." It is remarked, however, that the "evidence exhibits no other instance of the abandonment of a parish, but it contains many in which the pressure of the poor-rate has reduced the rent to half, or to less than half, of what it would have been if the land had been situated in an unpauperised district, and some in which it has been impossible for the owner to find a tenant." The effects on the employers of labour, and on the labourers themselves are next shown, and instances of the effects in each case are cited in such detail, as to leave no doubt in the reader's mind of the general accuracy of the description.

After this the several authorities to whom the ordering and administering of relief is confided are noticed, and the functions of the overseers, of the vestry open and select, and of the magistrates, are pointed out, and

their characteristics respectively described. In this description, instances are adduced of great mischief arising from the improper interference of magistrates in ordering relief. After bearing testimony to the merits of the general body, the commissioners remark, that "the magistrates have exercised the powers delegated to them by the Poor-Laws, not wisely indeed, or beneficially, but still with benevolent and honest intentions; and the mischief which they have done was not the result of self-interest or partiality, or timidity, or negligence, but was in part the necessary consequence of their social position, and of the jurisdiction which was confided to them, and in part arose from the errors respecting the nature of pauperism and relief which prevailed among all classes at the time when the allowance system and the scale were first introduced." It is then declared that, "under the influence of such opinions, even good intentions may become mischievous;" and that "a more dangerous instrument cannot be conceived than a public officer, supported and impelled by benevolent sympathies, armed with power from which there is no appeal, and misapprehending the consequences of its exercise."

The magistrates.

Having given an outline of the most striking instances of maladministration, and described the effects, the commissioners next point out the evils of the law of settlement, and the perjury, fraud, and falsehood of which it is the occasion; but there are, it is added, "other evils, greater and more extensive, which arise from the mere existence of a law of settlement, whatever that law may be, which increase in intensity in proportion as the limits of the district which has to support what are called its own poor are restricted, and could be mitigated only by its extension, and removed only by its entire abolition."

Law of settlement.

The next subject adverted to is bastardy, which is said to be "a branch of the Poor-Laws, distinguished from the rest both as to the principles on which it is founded, and the evils which it has produced." The several Acts on the subject, from the 18*th of Elizabeth*[b] downwards, are noticed, and examples of their operation given. The objects of these Acts are stated to be two—the diminution of crime, and the indemnity of the parish; but whilst the first is unquestionably the most important, the chief efforts have, it is said, been directed to the second, and with the usual fate of pauper legislation, for the indemnity of the parish has not been effected, although every other object has been sacrificed to it. "The guidance of nature has (it is declared) been neglected; the task of resistance has been thrown upon the man, instead of the woman; marriages, in which the least fault is improvidence, have been not only promoted but compelled; every possible inducement has been held out to perjury and profligacy, simply to save parishes from expense; and the direct effect has been, in all probability, to double or quadruple that expense, the indirect effect to augment it still more;" and finally, the commissioners declare, that "even among the laws which we have had to examine, those which respect bastardy appear to be pre-eminently unwise." Bastardy.

Three other questions are then discussed, namely, making the poor-rate a national charge, the occupation of land by labourers, and a labour-rate, the two latter being treated at much length. These propositions had at that time each its advocates; but the commissioners rightly declared against all three, as being contrary to sound principle, and calculated to produce injurious results.

[b] Ante, vol. i. p. 169.

Remedial measures.

After thus reviewing the defects of the existing system, and pointing out the evils arising from its operation, the commissioners proceed in their report to describe the remedial measures which they deem to be necessary, taking for their guide in the performance of this most important part of their duty, the general principle—"That those modes of administering relief which have been tried wholly or partially, and have produced beneficial effects in some districts, be introduced with modifications according to local circumstances, and carried into complete execution in all."

Relief of the able-bodied.

The commissioners consider that the most pressing evils of the system are those connected with the relief of the able-bodied, and to these they first apply themselves; declaring at the same time, that if they believed such evils to be necessarily incidental to the relief of the able-bodied, they would not hesitate to recommend its entire abolition. But they do not believe these evils to be its necessary consequences. On the contrary, they are of opinion that under proper regulations "such relief may be afforded safely, and even beneficially."

Distinction between poverty and indigence.

Attention is then called to the distinction between *indigence* and *poverty*, and it is shown that whilst provision is made in all civilised communities for relieving the former, in England by a compulsory rate, in other parts of Europe by charitable contributions, "it has never been deemed expedient that provision should extend to the relief of poverty, that is, the state of one who, in order to obtain a mere subsistence, is forced to have recourse to labour." This distinction has, it is said, been disregarded, and poverty and indigence blended, in administering relief under the English Poor-Law; and examples of the evils which thence ensue, are adduced from every part of

the kingdom. But the commissioners nevertheless declare their belief, founded on the evidence they have collected, "that a compulsory provision for the relief of the indigent, can be generally administered on a sound and well-defined principle; and that under the operation of this principle, the assurance that no one need perish from want may be rendered more complete than at present, and the mendicant and vagrant be repressed by disarming them of their weapon—the plea of impending starvation."

The principle on which relief should be administered.

With respect to the mode of administering relief, it is assumed, that the public is warranted in imposing such conditions on the individual relieved, as will conduce to the benefit either of the individual himself, or of the community at whose expense he is relieved; and it is then laid down as the most essential of all conditions, and as a principle universally admitted even by those whose practice is at variance with it, "that his situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class;" and it is said to be shown throughout the evidence, "that in proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed, their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. The converse is the effect when the pauper class is placed in its proper position below the condition of the independent labourer;" and therefore, "every penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer," is declared to be "a bounty on indolence and vice." In all the instances where parishes have been dispauperised, it is stated to have brought about "the restoration of the pauper to a position below that of the independent labourer," which

is declared to be the main principle of all good Poor-Law administration; and examples of its application, as well in town as in country parishes, and under every variety of circumstances, are adduced.

The commissioners therefore, in consideration of the benefits to be anticipated from the adoption of measures founded on principles already tried, recommend that—

1. Out-relief to able-bodied persons to cease.

"All relief whatever to able-bodied persons or to "their families, otherwise than in well-"regulated workhouses (*i. e.* places where "they may be set to work according to "the spirit and intention of the 43*rd of Elizabeth*), "shall be declared unlawful, and shall cease, in "manner and at periods hereafter specified,[c] and "that all relief afforded in respect of children "under the age of 16 shall be considered as "afforded to their parents."

This is the first of the "remedial measures" recommended by the commissioners, and the use they thus propose to make of the workhouse, and their reliance upon it as a means for putting an end to relief to the able-bodied, and for repressing pauperism, is chiefly founded on the experience of Bingham and Southwell, where for a series of years it had proved effective for these purposes. A well-regulated workhouse, it is remarked, "meets all cases, and appears to be the only means by which the intention of the statute of Elizabeth, that all the able-bodied shall be set to work, can be carried into execution."

In concluding this part of their subject, the commissioners observe that they have dwelt at so much length on the necessity for abolishing out-door relief to the able-bodied, because they are convinced that it is

[c] The precise time and manner are left to the discretion of the Central Board, but two years was afterwards proposed as the utmost limit. This limitation was, however, subsequently withdrawn from the bill.

the master evil of the present system. And they add, with great force and truth—"The heads of settlement may be reduced and simplified, the expense of litigation may be diminished, the procedure before the magistrates may be improved, uniformity in parochial accounts may be introduced, less vexatious and irregular modes of rating may be established, systematic peculation and jobbing on the part of the parish officers may be prevented; the fraudulent impositions of undue burthens by one class upon another class, the tampering with the labour-market by the employers of labour, the abuse of the public trust for private or factious purposes may be corrected, and all the other collateral and incidental evils may be remedied: but if the vital evil of the system, relief to the able-bodied on terms more eligible than regular industry, be allowed to continue, we are convinced that pauperism with its train of evils must steadily advance, as we find it advancing in parishes where all or most of its collateral and incidental evils are, by incessant vigilance and exertion, avoided or mitigated."

The subject that next occupied the commissioners' consideration, was the agency by which the correct administration of relief should be maintained. The instances which had occurred of the defeat of legislation by unforeseen obstacles, or by the laws not being administered in accordance with the expressed will of the legislature, led the commissioners to distrust the operation of enactments, however clear and precise, unless a special agency were appointed to superintend and control their execution. They say, "We find on the one hand, that there is scarcely one statute connected with the administration of public relief which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent;" whilst on the other hand, they declare that the obstacles to the due execution of any new legislative measure by

the existing functionaries, are greater than heretofore, the interests of individuals in mal-administration, stronger, and the interests in checking abuses proportionally weaker; and moreover, that "the dangers to person and property from any attempts to effect the intention of the statute of Elizabeth, are greater than any penalties by which the law might be attempted to be enforced." "Here and there," it is added, adopting the words of one of the witnesses, "an extraordinary man will come into office and succeed very satisfactorily, but when he goes there is generally an immediate relapse into the old system." The conclusion to which the commissioners come therefore is, "that no uniform system can be carried into execution, however ably it may be devised, nor can any hopes of permanent improvement be held out, unless some central and powerful control is established."

Continuing their investigations with the aid of the extensive information they had obtained on this important point, the commissioners observe—"We must anticipate that the existing interests, passions, and local habits of the parish officers will, unless some further control be established, continue to sway and to vary the administration of the funds for the relief of the indigent; and that whatever extent of discretion is left to the local officers, will be used in conformity to those existing interests and habits. Wherever the allowance system is now retained, we may be sure that statutory provisions for its abolition will be met by every possible evasion. To permit out-door relief as an exception, would be to permit it as a rule. The construction which has been put on the *59th George 3rd*,[d] shows that every case would be considered 'a case of emergency;' and under provisions directing that the able-bodied shall be relieved only in the work-

[d] Ante, p. 194.

house, but allowing relief in money to be continued to the sick, we must be prepared to find allowances continued to many of the able-bodied, as belonging to the excepted class." It is likewise stated, that in a large proportion of the districts where the allowance system prevails, the labourers who had been examined, asserted that the discretion allowed to parish officers in distributing relief, had been used prejudicially to them; and however groundless such assertions may be, the fact of their being made is a reason for endeavouring to remove the grounds for them; and the commissioners express a persuasion, that general regulations made under the immediate control of the executive, would, on account of the disinterestedness of the source whence they emanated, meet with a comparatively more ready obedience.

The commissioners further observe, that the condition of the pauperised districts is not such as to admit of uniform and precise legislation on matters of detail; that the differences in the mode of administering the law have produced habits and conditions equally different; and that the best informed witnesses have represented, that the measures which were or might be eligible in other districts, would be unsuitable to their own; so that even if a simultaneous change of system throughout the country were practicable, the commissioners say that it ought to be avoided, and they considerately add,—"It must be remembered that the pauperised labourers were not the authors of the abusive system, and ought not to be made responsible for its consequences. We cannot therefore recommend that they should be otherwise than gradually subjected to regulations which, though undoubtedly beneficial to themselves, may by any sudden application inflict unnecessary severity. The abuses have grown up in detail, and it appears from our evidence that the most safe course will be to remove them in detail"—for

which purpose, the commissioners in the second place recommend—

2. A central board to be appointed.

"The appointment of a Central Board to control the "administration of the Poor Laws, with "such assistant commissioners as may be "found requisite; and that the commissioners be "empowered and directed to frame and enforce "regulations for the government of workhouses, "as to the nature and amount of the relief to be "given, and the labour to be exacted in them; "and that such regulations shall, as far as may be "practicable, be uniform throughout the country."

The abolition of relief to the able-bodied out of the workhouse, is included under the first head of recommendation, and the commissioners now say—"It appears to us that this prohibition should come into universal operation *at the end of two years*, and as respects new applicants at an earlier period; and the central board should have power, after due inquiry and arrangements, to shorten these periods in any district." "With such powers (it is added) the central board might discontinue abusive practices, and introduce improvements gradually, detail after detail, in district after district, and proceed with the aid of accumulating experience." By such gradual procedure, it is considered, that both trouble and expense will be saved to parishes in which abusive practices prevail, and the central board would assist those parties who willingly exerted themselves to bring about the necessary change, and would lighten the responsibility to those who were timid, or who found the burthen so heavy as to paralyze their efforts. It is further considered, with reference to the contemplated changes, that if the good regulations existing in some parishes were consolidated, and carried into operation in all to which they were found applicable, it would in all pro-

bability secure better results than could be expected from untried enactments, or any other mode of proceeding—wherefore, the commissioners recommend, "that the same powers of making rules and regulations that are now exercised by upwards of 15,000 unskilled and practically irresponsible authorities, liable to be biassed by sinister interests, should be confined to the central board, on which responsibility is strongly concentrated, and which will have the most extensive information."

The chief evil of the existing state of things being the prevalence of pauperism among the able-bodied, and a well-managed workhouse having been shown to be a remedy for this evil, the means by which such workhouses could be generally provided, and the requisite management of them enforced, were next considered.

Of the 15,535 parishes in England and Wales, there are 737 with a population not exceeding 50 persons; 1,907 in which it does not exceed 100; and 6,681 in which it does not exceed 300. Such parishes could not support a workhouse, though they may have a poorhouse, "a miserable abode occupied rent-free by three or four dissolute families mutually corrupting each other." In parishes containing a population of from 300 to 800 (of which there are 5,353) the building called the workhouse is described as being usually occupied by 60 or 80 paupers—"made up of a dozen or more neglected children, 20 or 30 able-bodied adult paupers of both sexes, and probably an equal number of aged and impotent persons who are proper objects of relief. Amidst these, the mothers of bastard children and prostitutes live without shame, and associate freely with the youth, who have also the example and conversation of the frequent inmates of the county gaol, the poacher, the vagrant, the decayed beggar, and other characters of the worst description. To these may often be added a solitary blind person, one or two

idiots, and not unfrequently are heard, from among the rest, the incessant ravings of some neglected lunatic. In such receptacles the sick poor are often immured."

Such is the revolting picture drawn by the commissioners of the old parish workhouse, of which they cite many examples, and the general truthfulness of the description must be admitted, as must likewise the fact that a more certain means of demoralization could hardly have been devised.

The question of this all-important agent, the workhouse, is then discussed at considerable length, both as to the means of providing it, and how it should be applied, whether to single parishes or to several combined in a union,—whether as a large building sufficiently capacious to accommodate every class under the same roof, or as separate and smaller buildings for the reception of distinct classes. These and other points in connexion with the workhouse, are brought under consideration in the report, although it must be confessed with views somewhat less clearly defined, than on most other parts of Poor-Law administration. The commissioners give it however as their opinion, that the inmates of every workhouse should be separated into not less than four classes, namely, 1. The aged and really impotent; 2. The children; 3. The able-bodied females; 4. The able-bodied males—of whom it is observed, "we trust that the two latter will be the least numerous classes."

The commissioners then enter upon the consideration of how far it will be practicable to make use of the existing buildings, and with respect to this point they remark, "Although we cannot state that there may not be some districts where new workhouses would be found requisite, we have no doubt that where this does occur, the erection of appropriate edifices, though apparently expensive, would ultimately be found economical;" and they conclude by recommending—

"That the central board be empowered to cause any
"number of parishes which they may
"think convenient, to be incorporated for
"the purpose of workhouse management,
"and for providing new workhouses where
"necessary, to declare their workhouses to be the
"common workhouses of the incorporated district,
"and to assign to those workhouses separate classes
"of poor, though composed of the poor of distinct
"parishes, each distinct parish paying to the sup-
"port of the permanent workhouse establishment,
"in proportion to the average amount of the ex-
"pense incurred for the relief of its poor for three
"previous years, and paying separately for the
"food and clothing of its own paupers."

3. Parishes may be united, and workhouses provided at the common charge.

One of the principal suggestions made by writers on the amendment of the Poor-Law, was a provision for compelling the adoption of a uniform and well-arranged system of accounts. This was attempted in Mr. Nolan's bill,[e] and appears to have been considered a sufficient check on peculation. On this the commissioners remark, that there can be no doubt, arrangements to insure completeness, clearness, uniformity, and publicity of parochial accounts, are as requisite in this as in any other department of public administration, and they recommend—

"That the central board be empowered and required
"to take measures for the general adop-
"tion of a complete, clear, and as far as
"may be practicable, uniform system of
"accounts."

4. A uniform system of accounts to be established.

But they add, "It appears to us that new arrangements as to the mode of transacting the business in question, and the establishment of self-acting checks

[e] Ante, p. 224.

(which are partly independent of accounts), are equally requisite; and it is one advantage of management on a large scale, that it admits of these arrangements and securities, without any increase of expense."

Extended districts, it is said, afford comparative facilities for providing useful employment, opportunities for which are wanting in many or most single parishes. Employment of some kind may indeed be always provided, but the commissioners say it ought to be useful employment, and they add, that in order to save themselves trouble, "parish officers have resorted to the expedient of sending paupers on fictitious errands, with baskets full of stones, or blank paper directed as letters, and other devices of the same nature, obviously intended to torment them." All such contrivances are declared to be pernicious, as they not only generate revengeful feelings in the paupers, but also excite spmpathy for them, and create obstacles to the use of legitimate labour and salutary discipline; wherefore it is said, "they ought to be carefully prevented." The commissioners, in conclusion of this part of their subject, again declare their belief that in extended districts the requisite means of employment will be readily found, and they recommend—

"That the central board be empowered to incor-
5. Parishes to be incorporated for providing employment.
"porate parishes for the purpose of ap-
"pointing and paying permanent officers,
"and for the execution of works of public
"labour."

An apprehension is however at the same time expressed, that the appointment of efficient officers for the purpose will be found difficult, as persons best qualified for the office would not be likely to be selected in districts where the abusive practices most prevailed, and it would therefore seem to follow that the central board ought to be empowered to appoint the permanent

and paid officers. But this is not recommended, the commissioners being doubtful of the capacity of a single board to select a sufficient number of well-qualified persons, "and because the patronage, though really a painful encumbrance to them, would be a source of public jealousy." On the whole, it is considered, that if the central board were to prescribe certain qualifications, without which no person should be eligible as a salaried officer, and were also empowered to remove them, all that is really necessary for securing efficient services would be attained, and the commissioners accordingly recommend—

"That the central board be directed to state the "general qualifications which shall be "necessary to candidates for paid offices "connected with the relief of the poor, to "recommend to parishes and incorpora- "tions proper persons to act as paid offi- "cers, and to remove any paid officers whom they "shall think unfit for their situations."

6. The Board to prescribe qualifications for paid officers, and to remove them if incompetent.

The prevalence of jobbing, fraud, and mismanagement, in providing supplies of food and other necessaries to the workhouses, the commissioners observe, "is indicated not only by the direct testimony contained in our appendix, but by the recurrence in the answers to our circular of apprehensions of peculation;" and they add, "private interest, often apparently inconsiderable, has always created the strongest and most successful opposition to improvement." Wherefore, as a corrective for this evil, it is recommended—

"That the central board be empowered to direct the "parochial consumption to be supplied by "tender and contract, and to provide that "the competition be perfectly free."

7. Supplies to be furnished by open tender and contract.

This, it is said, will prevent much indirect fraud;

but the prevention of direct embezzlement must also be provided for, as men will not, on public grounds, proceed against their own friends and neighbours, wherefore it is recommended—

8. The central Board to act as public prosecutors.

"That the central board be empowered "and required to act in such cases as "public prosecutors."

The commissioners state, that complaints were received from nearly every part of the country, of the number of persons who, in certain seasons, obtain large wages, sufficient to maintain themselves and their families throughout the year, and provide against sickness and other casualties; yet who spend their earnings as fast as they receive them, and when out of work, throw themselves on the parish, which is compelled to support them until the season of high wages returns. They likewise state, that the Chelsea pensioners make about 14,000 assignments of their pensions annually to parish officers, and that 1480 more of such pensions are annually claimed on magistrates' orders, in cases where the wives and families of pensioners have become chargeable. They also remark, that 1200 pensions, amounting to 12,500*l.*, were in the last year attached and recovered from the Greenwich out-pensioners, the whole of which amount would have been lost to the parishes, and been spent in dissipation or thoughtless extravagance, but for the powers given by the 59*th George* 3*rd*, *cap.* 12.[f] The commissioners then observe, that if power of attaching wages were given to parish officers, or of compelling the reservation of certain instalments for liquidating the debts due to the parish, a proportion of those debts might be recovered, and it is accordingly recommended—

"That under regulations, to be framed by the central "board, parishes be empowered to treat any relief

[f] Ante, p. 193.

"afforded to the able-bodied, or to their families,
"and any expenditure in the workhouses, 9. Relief may be treated as a loan.
"or otherwise incurred on their account,
"as a loan, and recoverable not only by the means
"given by the 29th section of the 59*th George* 3*rd*,
"*cap.* 12, but also by attachment of their subse-
"quent wages, in a mode resembling that pointed
"out in the 30th, 31st, and 32nd sections of that
"Act."

The next subject considered is apprenticeship, on which less information is said to have been received than on any other, and even that is found to be contradictory. The commissioners consider apprenticeship to be a mode of relief expressly pointed out by the 43*rd of Elizabeth*, and as being closely interwoven with the habits of the people in many districts; but they think it probable that the laws respecting it are capable of improvement, "particularly those portions of them which render the reception of a parish apprentice compulsory," and they therefore recommend—

"That the central board be empowered to make such
"regulations as they shall think fit re- 10. Parish apprentices.
"specting the relief to be afforded by
"apprenticing children, and that at a future period,
"when the effect of the proposed alterations shall
"have been seen, the central board be required to
"make a special inquiry into the operation of the
"laws respecting the apprenticing children at the
"expense of parishes, and into the operation of
"the regulations in that respect which the board
"shall have enforced."

With respect to *vagrants*, a large mass of evidence is stated to have been obtained, from which it is inferred "that vagrancy has actually been converted into a trade, and that not an unprofitable one." This fact

seems to be announced as if it were a new discovery, but the whole tenour of the present work shows, that the trade of vagrancy has existed from a period so remote as to baffle any attempt to ascertain its origin. The commissioners are hopeless of finding a remedy for it in "detailed statutory provisions," the tendency of legislation respecting the poor being, they observe, to aggravate the evils which it was intended to cure. But they add—"feeling convinced that vagrancy will cease to be a burthen, if the relief given to vagrants is such as only the really destitute will accept; that this cannot be effected, unless the system is general; and also convinced that no enactments to be executed by parochial officers will, in all parishes, be rigidly adhered to, unless under the influence of strict supervision and control"—

"We recommend that the central board be em-
11. Vagrancy. "powered and directed to frame and en-
"force regulations as to the relief to be
"afforded to vagrants and discharged prisoners."

The commissioners pause in their recommendations at this stage of their report, and say, "We have now given a brief outline of the functions, for the due performance of which we deem a new agency or central board of control to be requisite, and we have inserted none which the evidence would warrant us in believing attainable by any existing agency." The length of their report, they add, precludes further detail of the powers and duties of the proposed central board, which must be measured by the nature of the existing evils, and by the failure of the attempts hitherto made for their removal. These powers are, it is observed, "in fact the same as are now exercised by 15,000 sets of annual officers, the majority of whom are ignorant of their duties, liable to be influenced by their fears or self-interest, and subject to little real responsibility; whilst

the central board would act upon the widest information, under the control of the legislature, and unbiassed by partiality or intimidation."

The commissioners then proceed with their recommendations, first declaring their conviction that the existing evils cannot all be eradicated by the measures now proposed. "The mischiefs which have arisen during a legislation of more than 300 years, must (they say) require the legislation of more than one session for their correction;" and in order to bring the proceedings of the central board more completely within the supervision of the legislature, and to secure that progressive improvement from which alone an ultimate cure can be expected, they recommend—

"That the board be required to submit a report
"annually to one of the secretaries of state,
"containing—1. An account of their pro-
"ceedings; 2. Any further amendments
"which they may think it advisable to suggest;
"3. The evidence on which the suggestions are
"founded; 4. Bills carrying those amendments (if
"any) into effect, which bills the board shall be
"empowered to prepare with professional as-
"sistance."

12. The Board to report annually.

It is considered that three commissioners might transact the business of the board, and eight assistants would be necessary for examining into the administration of relief in the several districts: and, as the board would be responsible for this and all other duties, it is recommended—

"That the central board be empowered to
"appoint and remove their assistants and
"all their subordinate officers."

13. The Board to appoint their assistants and officers.

The important and difficult questions of settlement and bastardy are next brought under consideration, with

a view to devising a remedy for the evils of which they are the cause, or by which they are attended.[g]

With respect to *settlement*, the commissioners observe, "We have seen that the liability to a change of settlement by hiring and service, apprenticeship, purchasing or renting a tenement, and estate, are productive of great inconvenience and fraud; and it does not appear that those frauds and inconveniences are compensated by any advantage whatever." It is further remarked, that these heads of settlement were introduced as qualifications of an arbitrary power of removal, as without them parish officers might have confined almost every man to the place of his birth; but as no one could now be removed, unless by applying for relief he gave jurisdiction to the magistrates, they were no longer needed; and it is therefore recommended—

14. Settlement by hiring and service, &c., to be abolished.

"That settlement by hiring and service, apprenticeship, purchasing or renting a tenement, estate, paying rates, or serving an office, be abolished."

There would then remain settlement by parentage, birth, and marriage, with respect to which, it is recommended—

15. A child's settlement to follow that of the parents or surviving parent until sixteen.

"That the settlement of every legitimate child born after the passing of the intended Act, follow that of the parents or surviving parent, until such child shall attain the age of sixteen years, or the death of its surviving parent; and that at the age of sixteen, or on the death of its surviving parent, such child shall be considered settled in the place in which it was born."

The introduction of settlement by residence is not

[g] The questions of settlement and bastardy are discussed at much length in an earlier part of the commissioners' report. They have been briefly noticed at pp. 254 and 255, ante.

proposed, although it has advantages as compared with other conditions; but these advantages are said to be overbalanced by objections still more powerful. It is, however, recommended that instead of the present mode of first removing a pauper, and then inquiring whether the removal was lawful, the inquiry should precede the removal. And in order to afford facilities for the proof of a birth settlement, it is recommended—

"That whenever there shall be any question regarding the settlement by birth of a person, whether legitimate or illegitimate, and whether born before or after the passing of the intended Act, the place where such person shall have been first known to have existed, shall be presumed to have been the place of birth, until the contrary shall be proved."

16. Place where first known, to be reckoned the place of birth.

With respect to the bastardy laws, it is averred that "they increase the expense which they were intended to compensate, and offer temptations to the crime which they were intended to punish." Their entire abolition is therefore advocated, and it is proposed to restore things as nearly as possible to the state in which they would have been if no such laws had ever existed, trusting "to those checks, and to those checks only, which providence has imposed on licentiousness." A child until emancipated depends on its parents, and their place of settlement is also the settlement of their offspring. This is the law with respect to legitimate children, but as only one of the parents of an illegitimate child can be known, it is recommended—

Bastardy.

"That every illegitimate child born after the passing of the Act shall, until it attain the age of sixteen, follow its mother's settlement." And as a further step towards restoring the natural state of things, it is recommended—"That the mother of an illegiti-

17. Illegitimate children to follow the mother's settlement, and relief to the child be relief to the parent.

"mate child born after the passing of the Act, be "required to support it, and that any relief occa- "sioned by the wants of the child, be considered "relief afforded to the parent."

This is the law with respect to a widow; and there can, it is said, be no reason for giving to vice privileges which are denied to misfortune. The same liability is to be extended to the husband, in case of the woman's marrying.

On the other hand, the commissioners recommend—

18. Punishment of mothers and the putative fathers of bastards to be abolished.

"The repeal of that part of the 35*th George* "3*rd*, *cap.* 101, *sec.* 6,[h] which makes an "unmarried pregnant woman removeable, "and the 50*th George* 3*rd*, *cap.* 51, *sec.* 2,[i] "which authorises the committal of the "mother of a chargeable bastard to the house of "correction."

The first of these enactments will cease to be applicable as soon as the child follows the mother's settlement, and the second is said to produce much more harm than good. As to the father, it is observed, "in affirming the inefficiency of human legislation to enforce the restraints placed on licentiousness by Providence, we have implied our belief that all punishment of the supposed father is useless. We believe that it is worse than useless. We recommend therefore—

"That the second section of the 18*th Elizabeth*, "*cap.* 3, and all other Acts which punish or charge "the putative father of a bastard, shall, as to all "bastards born after the passing of the intended "Act, be repealed."

The commissioners next enter upon the consideration of how far emigration may be necessary—whether there exists in any part of England a population materially

[h] Ante, p. 118. [i] Ante, p. 150.

exceeding the demand for labour—observing at the same time, that "after a system of administration, one of the most unquestionable effects of which is the encouragement and increase of improvident marriages among the labouring class, has prevailed in full vigour for nearly forty years, it is a remarkable proof of the advance of the wealth of this part of the kingdom, that a question should arise as to the existence of a surplus population." The answers obtained from the agricultural districts of the middle, southern, and eastern counties, are stated to show a great excess of labourers in many parishes above the means of employment; and this statement is said to be "confirmed by the fact of multitudes of able-bodied young men wasting their time on the roads and in gravel-pits at the expense of the ratepayers, who deem it cheaper to pay them for their idleness than for their labour." Under these circumstances, the commissioners consider that no expedient should be disregarded by which the reduction of the surplus labour can be accelerated, and the suffering of the labourer diminished; and they declare it to be their opinion, "that emigration, which has been one of the most innocent palliatives of the evils of the present system, could be advantageously made available to facilitate the application of the remedies which they have suggested," and they therefore recommend— Emigration.

"That the vestry of each parish be empowered to "order the payment out of the rates raised for the "relief of the poor, of the expenses of the "emigration of any persons having settle- "ments within such parish, who may be "willing to emigrate; provided that the "expense of such emigration be raised and paid "within a period to be mentioned in the Act." [k] 19. The expense of emigration to be defrayed out of the poor-rates.

[k] This is limited to five years by the 62nd section of the Poor Law Amendment Act.

Valuation and rating.

The present method of rating property to the relief of the poor, like many other parts of the administration of the Poor-Laws, is declared to be "in the highest degree uncertain and capricious." The mode of rating, the commissioners say, ought to be uniform, and founded upon the actual value, but not identical with it, for that would be rack-rent. The value according to which property should be rated, the commissioners consider, "should be the rent which a tenant, taking upon himself the burthen of repairs, could afford to pay under a twenty-one years' lease." They make no distinct recommendation, however, on this head, lest it should embarrass the progress of the measures which they deem of paramount importance.

Payments to the wives and families of militiamen from the poor-rates objected to.

The payments made to the wives and families of militiamen, under the provisions of the 43*rd George* 3*rd*, *cap.* 47,[1] are also adverted to, as being open to many objections. They are not made in reward of the father's services, but according to the number and assumed wants of the family; and the commissioners express their belief that these payments have contributed to familiarise magistrates and parish officers with the "allowance system," and to diminish repugnance to applications for parish relief, by exhibiting as receivers of similar relief numerous families to whom no blame was attributable, and who, it may be added, possessed claims upon the liberality of the country. But in this, as in the case of rating, and for the like reason, the commissioners refrain from making any recommendation.

Charitable foundations.

The last subject noticed in the report, is "the relief provided by charitable foundations," which is considered to be closely connected with Poor-Law relief, being distributed among the classes who are also receivers of the poor-rate. The commissioners say, the evi-

[1] Ante, p. 145.

dence they have obtained "has forced upon them the conviction, that as now administered, such charities are often wasted, and often mischievous;"—that they attract the poorer classes, who in the hope of benefiting by them linger on in places most unfavourable for industrial occupation; and that "poverty is thus not only collected, but created, in the very neighbourhood whence the benevolent founders have manifestly expected to make it disappear." "These charities may (it is remarked) interfere with the efficacy of the measures recommended in the report, and therefore, the commissioners think, call for the attention of the legislature, but no express recommendation is made with respect to them."

In concluding their report, the commissioners say—"We have now recommended measures by which we hope that the enormous evils resulting from the present maladministration of the Poor-Laws may be gradually remedied." But they add—"We are perfectly aware that for the general diffusion of right principles and habits we are to look, not so much to any economic arrangements and regulations, as to the influence of a moral and religious education;" and they further add, that "one great advantage of any measure which shall remove or diminish the evils of the present system is, that it will in the same degree remove the obstacles which now impede the progress of instruction, and intercept its results; and will afford a freer scope to the operation of every instrument which may be employed, for elevating the intellectual and moral condition of the poorer classes." Conclusion of the Report, dated 20 Feb. 1834.

The report was signed on the 20th of February, 1834, and a bill for carrying its recommendations into effect was forthwith prepared, and was submitted to the consideration of the Cabinet on the 17th of March, Mr. Sturges Bourne and Mr. Senior, two of the commissioners of inquiry, attending at the time to afford whatever explanations might be required. After being Amendment Bill prepared.

again considered by the Cabinet, the bill was referred to a committee of seven of its members for closer investigation, and with a view to its receiving such emendations as the committee might deem necessary. The several provisions of the bill, as well as the general scope and tendency of the measure, were very carefully examined, Mr. Senior likewise attending the committee to advise upon any point of doubt or difficulty. After having been thus examined and corrected, the bill was referred back to the Cabinet for final settlement,[m] and on the 17th of April was read a first time in the House of Commons, being introduced by Lord Althorp, whose speech on the occasion was admitted by all parties to be straightforward, clear, and convincing.

Lord Althorp's speech, 17 April, 1834.

Lord Althorp commenced by stating, that the question was one of as great importance as had ever been submitted to the consideration of parliament. That the state of the Poor-Laws, and the evils arising from them, had long occupied the attention of the ablest men in the country, and that various attempts to devise a remedy had been made, but hitherto without success. That the Poor-Laws, as then administered, operated injuriously upon every class connected with the land—upon the proprietor, the farmer, and the labourer, but most of all were they injurious to the latter; and that the government therefore thought it to be their duty to endeavour to correct evils so seriously affecting the labouring classes and the country at large. He begged, however, to be understood as not expressing disapprobation of a well-regulated system of Poor-Laws, which would, in his opinion, be productive of great benefit to the country.

[m] These particulars are extracted from a manuscript account drawn up by Mr. Senior, of all that took place with respect to the Poor Law Amendment Bill, both whilst it was undergoing correction by the government, and during its progress through parliament. The account is exceedingly interesting and instructive, and Mr. Senior has kindly given permission to make use of it in the present work.

He was aware that this was contrary to the strict principles of political economy, which would even prohibit the exercise of private charity, and required that every man should provide his own subsistence by his own labour; that a man best knew the wants of his family, and that he alone should provide for them, and that he ought also to make provision against sickness and misfortune by previous savings. Such was the doctrine of political economy. But, according to the dictates of religion and humanity, the support of those who are helpless and unable to provide for themselves was not only justifiable, but a positive duty required from all who have the ability. It was, therefore, to the abuses of the system of Poor-Laws, not to the system itself—to the bad administration of those laws, not to their principle—that he objected.

For a long period, his lordship observed, the Poor-Law was free from the evils which now attended its administration, and which had their origin about the beginning of the present century, in measures intended for the benefit of the labouring population, to whose interests and welfare they were nevertheless now most distinctly opposed. The law then passed (*36th George 3rd, cap.* 23[n]) gave magistrates the power of ordering relief to be given to the poor in their own dwellings. The magistrates acted largely on this power, which was so consistent with good and kindly feelings, that it was hardly possible to blame them for so doing; and yet it was a great mistake, the consequences of which had gone on from bad to worse until all sense of independence had been nearly extinguished, and instead of placing the poor in a state of comfort, the labouring population in many districts had been reduced to a state of misery and distress. The legislature was, he said, bound to meet the difficulties of the case boldly; but at

[n] Ante, p. 122.

the same time the greatest caution was necessary in dealing with it. They had however this advantage, that they were not now working in the dark, as in several parishes an improved system had been established which would guide them in the work of reformation.[o] This improved system should be introduced gradually and step by step into other parishes, ascertaining the effects as it proceeded—it could not be done suddenly or simultaneously. The course he was about to recommend went, he admitted, to establish a new power in the country; but the alternative was between this and leaving things as they were.

There must, he observed, be a discretionary power vested somewhere, to introduce sound principles and the fruits of salutary experience; and he proposed constituting a central board of commissioners for that purpose. It was however necessary, he thought, to fix a day in one of the summer months of the next year when the allowance system should entirely cease; for so long as that system existed, it would be impossible to bring the Poor-Laws into a better condition.[p] He then mentioned the powers with which he considered the central board should be invested, and noticed a change proposed to be made in the constitution of vestries, by enabling landlords to vote in certain cases. It was also, he said, intended that magistrates should not in future have the power of ordering relief to persons in their own houses, that is, out-door relief, which would restore the law to what it was previous to 1796, since which the abuses had chiefly arisen. With regard to settlement, after describing the evils of litigation and expense caused by it, and the still worse effects arising from its interfer-

[o] This applies to the changes effected at Bingham and Southwell, which had been fully explained, and ably commented on, in the Reports of Mr. Cowell, the Assistant Commissioner of Inquiry.

[p] This proposition was afterwards abandoned, and the putting an end to the allowance system, in common with the other abuses, was left to the discretion of the central board.

ence with the free circulation of labour, he proposed the several amendments recommended in the report, with a view to lessening its complications and reducing expenditure, but leaving the substance of the law itself untouched. So likewise with respect to bastardy, he adopted the several recommendations of the report, and proposed their being embodied in the bill.

In conclusion, Lord Althorp declared that he was fully aware of the importance of the measure; but he believed, if it were successful, the benefits to the country would be very great. He confidently anticipated that it would have the effect of raising the British labourer from the condition of a pauperised slave, and restoring him to that degree of independence for which he was once proverbial. At present, no difference was made between the good labourer and the bad, both alike deriving a large portion of their subsistence from an abuse of the law. It had been said that poverty ought not to be visited as a crime—in that sentiment he concurred, but it was impossible that it should not be a misfortune; and every attempt which had been made to prevent its being so, instead of confining the misfortune to those who suffered under its pressure, had the effect of extending it to others. It was with these views, and in the hope that the House would give the measure that calm and deliberate attention which its momentous importance demanded, that he moved for leave "to bring in a bill to alter and amend the law relative to the relief of the poor in England and Wales."

The measure thus proposed, was very favourably received by the House; and on the 9th of May the second reading of the bill was carried by a large majority, the numbers being—ayes 299, noes 20. The objections on that and other occasions were chiefly directed against the constitution and powers of the central board; and for the most part these objections

Amendment Bill introduced and passed in the Commons.

were made by the metropolitan members. The bill was read a third time on the 1st of July, 187 voting for it and 50 against it; but its duration was limited to five years. Several alterations were made in its progress through the House, mostly with a view of restricting the powers of the central board. It was at first intended to empower the board to dissolve and reconstruct existing incorporations—a power obviously necessary for enabling it to form the country into unions in a manner most convenient and effective for the administration of the law; but this power was subsequently withheld, and much embarrassment and delay in the introduction of the amended law occurred in several instances in consequence.

On the 2nd of July the bill, as agreed to by the Commons, was introduced and read a first time in the Lords, and was to have been read a second time on the 9th; but in the interim Lord Grey's government had been broken up on questions connected with the Irish Coercion Bill, and the second reading did not take place until the 21st, after a new government had been formed, with Lord Melbourne at its head. It was then moved by Lord Brougham (the Lord-Chancellor), in an elaborate and able speech, in which he depicted the evils and the consequences of the existing system, and described the principles and course of action in which alone a corrective could be found.

The bill introduced in the Lords.

He began by expressing his belief that government would best fulfil its duties to the country by carrying forward the present measure, which in his conscience he believed the most efficacious and the least objectionable of any that had ever yet been devised, for terminating evils the possible extent and consequences of which no fancy could adequately picture—evils which bad laws worse executed had entailed upon the country, which threatened the security of property, and left nothing of the respect

Lord Brougham's speech, 21 July, 1834.

which the character of the English peasant in older times commanded, and had brought about a state of things in which we beheld industry stripped of its rights, and the sons of idleness vice and profligacy usurping its lawful place. Such, he said, were the results of that pernicious system for which a remedy was sought in the measure now proposed. By the construction put on the words in Elizabeth's Act, "to take order for setting the poor to work," a right had been given compelling the parish to find work for the pauper; and if work could not be found, to feed him. Self-reliance and provident habits were therefore no longer necessary, and consequences the most pernicious followed. It had been usual to blame the magistrates for the maladministration of the law, but he thought they were not more blameable than others—they only partook of the common error, and were backed by the concurrence of the legislature, and the decision of the judges. "What marvel is it," he asked, "to find county justices holding that the poor man has a right to be made comfortable in his own dwelling, when Mr. Pitt introduced a bill for legalising the allowance system, and for sanctioning the principle, that every poor man has a right to be made comfortable in his own dwelling, and to be furnished with a cow or a pig or some other animal yielding profit, to be provided in proportion to the number of his children?" Nothing could be more unsafe or opposed to principle than this; yet it was advocated by Mr. Pitt, and by many of his eminent cotemporaries.

Lord Brougham then pointed out, in considerable detail, and illustrated by examples, the distinction between public and private, between established and casual charity; and described with much force the evils which had and which ever must result from confounding the one with the other, or applying the general and forced contributions to the Poor-Law fund, as if

they were the spontaneous fruits of individual charity, and were levied for the purpose of providing comfort for the many, instead of relieving the destitute few. He thought that much might be done to amend the present system, as indeed in some few instances much had been done; and if the parish in which an improved administration was established were compared with another, perhaps an adjoining parish, where the usual bad course was pursued, it would hardly be thought that they were parts of the same country. In the one the rates had fallen to a half, afterwards to a third, pauperism had disappeared, and industry had regained its just place;[q] whilst in the other, a swarm of sturdy beggars deprived the honest labourer of his hire, and the rental daily crumbled down into the poor's-box, always filling, always empty: the good example of the neighbouring parish was not found to have any effect upon this; and hence must be inferred the necessity for some central authority to enforce a sound and uniform system of administration everywhere. For this object the present measure provided. It proposed to leave the law nearly as it stands; but it also provided for assimilating the administration to that which prevailed in those parishes where salutary improvements had been effected—that is, securing such a unity of action in the several parochial authorities, as can be obtained only by the establishment of one central authority armed with ample discretionary power. The bad practices had taken such deep root, he said, and spread so widely, that a strong hand alone could extirpate them; but the hand must not only be strong, it must be ever ready; in other words, all must be left to the discretion of the men intrusted with the control. Such large discretionary powers may be designated as uncon-

[q] In this description Lord Brougham evidently referred to the instance of Southwell, with all the circumstances of which he was, in common with the other members of government, fully informed through Mr. Cowell's Reports.

stitutional. He admitted they were novel as vested in one board, but they were not novel in themselves; for every one of the first fifty local Poor-Law Acts, to be found in the index to the statutes, contained more arbitrary, and therefore less constitutional powers, than any that would be given by this bill. Then how were the powers conferred by those local Acts to be exercised?—why, by men the most likely to abuse them, acting in a corner, and without control or supervision, by persons not removable or accountable as the central board will be, the members of which ought not, he considered, to be party-men, nor allowed to sit in parliament.

Lord Brougham then adverted to the subjects of settlement and bastardy, affirming generally the recommendations of the report, and concluded by moving that the Bill be read a second time. On this an amendment was moved, and considerable discussion took place. The Duke of Wellington supported the Bill, and declared that, as a different system of administration, and different and varied abuses, prevailed in almost every parish, it would be impossible for parliament to frame a law applicable in every case; and therefore it was absolutely necessary that a central board of commissioners should be appointed, with powers to control the whole, and secure a right administration of the laws throughout the country. "The present remedy for the evils of the existing laws was," the duke said, "unquestionably the best that had ever been devised; at the same time he must observe, that as the central board of commissioners must necessarily have very extraordinary and full powers, it would be proper that they should keep such a record of their proceedings, as would render them liable to the actual control at all times of the government and parliament." The second reading of the Bill was carried by a large majority, 76 peers voting for, and 13 against it. On the 28th of July the Bill was

The Duke of Wellington's speech, 21 July, 1834.

considered in committee, as it was also on several subsequent days, the chief objections being to the powers proposed to be given to the commissioners, and to the bastardy clauses. On the 8th of August the Bill was read a third time, and returned to the Commons with the amendments it had received. On the 13th a conference between the Houses was held, and an agreement come to with respect to these amendments; and on the 14th of August the Bill received the royal assent.

August 14, 1834. Poor-Law Amendment Act, 4 & 5 Will. 4, c. 76.

Few measures have in their origin so fully occupied public attention, or been productive of such important benefits in their results, as '*The 4th and 5th William 4th, cap.* 76, *for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.*' The Act is avowedly based on the principle, that no one should be suffered to perish through the want of what is necessary for sustaining life; but, at the same time, that if he be supported at the expense of the public, he must be content to receive such support on the terms deemed most consistent with the public welfare. In the manuscript narrative drawn up by Mr. Senior, one of the principal framers of the measure, which has been before referred to,[r] the objects of the Poor-Law Amendment Act are stated to be two—"*first*, to raise the labouring classes, that is to say the bulk of the community, from the idleness, improvidence, and degradation into which the maladministration of the laws for their relief has thrown them; and, *secondly*, to immediately arrest the progress, and ultimately to diminish the amount, of the pressure on the owners of lands and houses." These two objects, it is observed, are intimately connected; for "even if the whole amount of the poor-rates were raised without expense to the proprietors—if it were, for instance, a tribute from a

[r] See ante, p. 278.

foreign country—yet, if its effect were to destroy the diligence, skill, and morality of the labouring classes, the proprietors would be as effectually ruined as if themselves contributed to it, since lands and houses are valueless without the aid of a laborious and skilful body of work-people. And, on the other hand, if the expenditure on the poor had no immediate effect on their moral character, yet if it were to go on at the rate at which it has increased for the last thirty years, it would ultimately throw the land out of cultivation, and destroy by famine or pestilence all who had not the means of emigration."

The Amendment Act was framed on the recommendations of the Commissioners of Poor-Law Inquiry, as set forth in their report, and the various alterations or amendments introduced in its progress through parliament, in no way changed the character of the measure, or materially impaired its efficiency. The limiting the duration of the Act to five years, seemed calculated to raise a doubt as to its permanency; but scarcely any one, however much opposed to it, thought that the governing principle of the Act would be abandoned, or that a central board to guide and control the local administrators of the law, would not in some form or other be continued. The chief omission in the Act was the not empowering the commissioners to dissolve the Gilbert and local Act incorporations, the want of which power greatly embarrassed their proceedings, and prevented their forming convenient unions in certain districts, or even in some instances forming a union at all, so that many parishes were of necessity left ununited. Another omission, was the not arming the commissioners with sufficient power to compel the providing of workhouses. The consent of a majority of the guardians or ratepayers was made necessary for this purpose, which could not always be obtained; whilst for altering or enlarging workhouses the com-

missioners could compel an outlay of no more than 50*l.*, or one-tenth of the average annual amount of the rates. These restrictions were imposed through jealousy of what was called the unconstitutional power of the commissioners, but they were the cause of great delay in many instances, together with a greatly increased expenditure.

The last material omission to be noticed, was the not empowering the commissioners to appoint auditors of parish and union accounts, an efficient audit being in fact the best means by which a correct administration of public moneys can be secured. The 46th section of the Act, it is true, empowered the commissioners to direct guardians and overseers to appoint auditors, in common with the other paid officers; but an auditor thus appointed by the functionaries whose accounts he was to examine, and whose disbursements he had to check and authenticate, must obviously be of little weight in preventing abuse. The audit had hitherto been nominally performed by the justices, but it was little more than a matter of form, and totally ineffective as a check upon expenditure; but if competent auditors, armed with sufficient powers, were appointed by the commissioners, they would, by disallowing illegal and improper charges, gradually bring about a correct administration of the rates in a way the most certain, and least open to comment or objection.

The recommendations of the inquiry commissioners, on which the Amendment Act is founded, have been inserted at length in the preceding pages, accompanied by such observations as appeared desirable in the way of comment or explanation. To cite and comment upon the different provisions of the Act, as has been done in other instances, will therefore be unnecessary, and would involve much repetition. The Act is, however, in all its bearings, of such vast importance, that its insertion in some form cannot be dispensed with; and

the following summary of the several sections, with the explanations which have been before given, and the references on particular points that will hereafter occur, will, it is hoped, be sufficient for a full understanding of the measure, both in its principles and its details.

Summary of the Poor-Law Amendment Act,
4th and 5th William IV. cap. 76.

Sections 1, 2, *and* 3—Provide for the appointment, at the pleasure of the crown, and also for the removal, of *three*[s] commissioners, to be styled "The Poor Law Commissioners for England and Wales," who may sit as a board, and summon and examine witnesses on oath, and have a common seal, the rules, orders, and regulations sealed with which are to be received as evidence.

Sections 4, 5, *and* 6.—The commissioners are required to record their proceedings, and once a year make a general report to one of the secretaries of state, to be laid before parliament, and at other times are to give such information as the secretary of state shall require.

Sections 7, 8, 9, *and* 10.—The commissioners are empowered to appoint assistant commissioners (not exceeding nine without consent of the Treasury), and also a secretary, assistant secretary, and clerks, and to remove any of the same: but no commissioner or assistant commissioner is to be capable of sitting in parliament; and all the appointments are limited to five years.

Section 11.—Before entering on the execution of their office, the commissioners and assistant commissioners are to take an oath in the form prescribed, and their several appointments are to be published in the 'London Gazette,' and notified to the clerks of the peace, who are to cause the same to be advertised in some county newspaper.

Sections 12, 13, *and* 14.—The commissioners may delegate any of their powers to the assistant commissioners (except the power of making general rules), and may revoke the same; and the assistant commissioners are empowered to summon and examine witnesses on oath, on any question relating to the relief of the poor, but not so that any person shall be required to travel more than ten miles from his place of abode. A wit-

[s] The number was increased to four by the 1st and 2nd Victoria, c. 56, with reference to the Irish Poor Law.

ness who gives false evidence, or wilfully refuses to attend and give evidence, is subjected to punishment. The commissioners may order the reasonable expenses of witnesses to be defrayed by the parishes or unions interested in the case.

Section 15—Directs that "the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and control of the commissioners," who are authorised and required to make and issue all such rules orders and regulations for the management of the poor, for the government of workhouses, and the education of children therein, and for the apprenticing of poor children, and for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management of the poor, and the keeping, examining, auditing, and allowing or disallowing of accounts, and making and entering into contracts, or any expenditure for the relief of the poor, and for carrying this Act into execution in all other respects, as they shall think proper, and may suspend, alter, or rescind the same: "provided always, that nothing in this Act contained shall be construed as enabling the said commissioners, or any of them, to interfere in any individual case for the purpose of ordering relief."

Sections 16, 17, *and* 18.—General rules are not to take effect until forty days after they have been submitted to a secretary of state; and if within that time their disallowance by the sovereign in council be notified to the commissioners, they are not to come into operation; and if so disallowed subsequently, they are to cease to operate. All general rules are to be laid before parliament, and a copy of every rule, order, or regulation of the commissioners is, before the same shall come into effect, to be sent to the overseers of the poor and the guardians of the union affected thereby, and to the clerk to the justices of the division in which such parish or union is situate, all of whom are required to preserve and give publicity to the same.

Section 19—Provides that no inmate of a workhouse shall be obliged to attend any religious service celebrated in a mode contrary to his religious principles, nor any child be educated in a religious creed to which its parents or surviving parent shall object, or in the case of an orphan to which the godfathers or godmothers shall object; and on the request of any inmate, a licensed minister of the same religious persuasion is to be permitted to visit the workhouse, for the purpose of affording religious assistance to such inmate, or instruction to his children.

Section 20.—No order or regulation of an assistant commissioner

is to have effect, unless it be adopted and sealed by the commissioners.

Sections 21 *and* 22.—All the powers and authorities of Gilbert's Act, and of all other Acts relating to the providing of workhouses, the borrowing of money, and governing and employing the poor, are to be exercised under the control, and subject to the rules orders and regulations of the Poor Law commissioners, who with their assistant commissioners are entitled to attend local boards and vestries, and take part in the discussions, but are not to vote. No additions or alterations are to be made in the existing regulations established under Gilbert's or other Acts, until the same shall have been submitted to and confirmed by the commissioners.

Sections 23, 24, *and* 25.—The commissioners are empowered, with the consent of a majority of the guardians of a union, or with the consent of a majority of the ratepayers and owners of property of any parish, to order a workhouse to be built or enlarged, "according to such plan and in such manner as the commissioners shall deem most proper for carrying the provisions of the Act into execution; and the overseers and guardians are required to raise the money necessary for the purpose by way of rate, or by borrowing the amount and charging the same on the future rates: but the sum so raised or borrowed is in no case to exceed the average annual amount of the rates for the three years preceding, and the money borrowed is to be repaid, together with interest, by instalments of not less than one-tenth in any one year. The commissioners are also empowered, without such consent as aforesaid, to order a workhouse to be altered or enlarged in such manner as they shall deem proper, provided the cost is not above 50*l.*, and that it does not in any case exceed one-tenth of the average amount of the rates for the three years preceding.

Section 26—Empowers the commissioners "to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor," and thereupon the workhouses of such parishes are to be for the common use of the union, and the commissioners may issue regulations for the classification of the poor of the united parishes maintained therein: "but notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such workhouse."

Section 27—Enables two justices to order relief to a poor person out of the workhouse, provided one of them certifies of his own knowledge that such poor person is, from old age or infirmity of body, wholly unable to work.

Sections 28 *and* 29.—When a union of parishes is formed, the commissioners are required to ascertain the average expense incurred by each parish for the relief of its poor, in the three years preceding; and the several parishes are to be assessed to the common fund for providing the workhouse and materials for setting the poor on work therein, and for the salaries of the officers, and any other expense incurred for the common benefit, according to the amount of such averages, which the commissioners are likewise empowered to vary from time to time, after having in like manner ascertained and recalculated the same; and the commissioners' powers are likewise extended to unions under Gilbert's and other Acts. Until the averages shall be otherwise ascertained, the returns to parliament are however to be taken as evidence of expenditure.

Sections 31 *and* 32—Repeal the provisions of Gilbert's Act, and of the 56*th George* 3*rd, cap.* 129, which restrict parishes from being united if more than ten miles distant from the union workhouse, and limit the class of persons to be relieved therein. The commissioners are empowered, with consent of two-thirds of the guardians, to dissolve, take from, or add to any union, and "to fix the amount to be received or paid by every parish affected by such alteration."

Sections 33, 34, 35, *and* 36.—The guardians of any union may agree, subject to the approbation of the commissioners, that the united parishes shall become one parish for the purposes of settlement. And likewise, "where the parishes shall be situate within the same county, riding, division, or liberty, under the jurisdiction of the same justices," that they shall become one parish for the purposes of rating; and thereupon the guardians are to assess and levy the rates, and the expenditure for relief of the poor is to be in common.

Section 37—Prohibits any union or incorporation of parishes from being formed under the provisions of Gilbert's Act without the consent of the Poor Law commissioners.

Sections 38, 39, 40, *and* 41—Declare the qualification, and regulate the election of guardians for unions, and for single parishes, "every justice of peace residing in and acting for the county, riding, or division, in which the same may be situated," being in either case constituted a guardian *ex-officio;* but no guardian can act "except as a member and at a meeting of the board." At the election of guardians, the owners of property, as well as the occupiers, are to vote according to a scale prescribed for each, and the votes are to be taken in writing, "in such manner as the commissioners shall direct." The commissioners may also direct the election of guardians

under Gilbert's and local Acts to be conducted according to the provisions of this Act.

Sections 42, 43, 44, *and* 45—Empower the commissioners to make rules and regulations to be observed in workhouses, and also empower the justices to enforce the same; and each workhouse, and the premises thereto belonging or occupied therewith, is to be held and deemed to be within the jurisdiction of the place to which it belongs. But no dangerous lunatic, insane person, or idiot, is to be detained in any workhouse longer than fourteen days.

Sections 46, 47, *and* 48.—The commissioners are empowered to direct the appointment of paid officers, with such qualifications as they shall think necessary, for the administration of relief to the poor, the examining and auditing accounts, and carrying the provisions of the Act into execution; and also to prescribe the duties, regulate the salaries, and determine the continuance in office, and the security to be given by such officers. The overseers are to pass their accounts quarterly, and if required, are to verify the same on oath, and the balances due may be recovered as penalties under this Act. The masters of workhouses and parish officers are to hold their appointments subject to the orders of the commissioners, and are removeable by them; but "no person shall be eligible to hold any parish office, or have the management of the poor in any way, who shall have been convicted of felony, fraud, or perjury."

Sections 49, 50, *and* 51—Provide that contracts "relating to or connected with the general management of the poor," are not to be deemed valid unless in conformity with the regulations of the commissioners. The 45*th George* 3*rd*, *cap.* 54, is repealed, but engagements previously contracted under it are not to be thereby affected. The penalties imposed by the 55*th George* 3*rd*, *cap.* 137, on persons having the management of the poor, who are concerned in any contract for the supply of goods, &c., for the use of the poor, are extended to persons appointed under this Act.

Section 52,—After reciting that relief to the able-bodied is in many places so administered as to be productive of evil, and "as difficulties may arise in case any immediate and universal remedy is attempted to be applied," empowers the commissioners, by such rules, orders, and regulations as they may think fit, to regulate the same; and all relief administered contrary to such regulations, unless in cases of emergency, is declared to be unlawful, and is to be disallowed.

Sections 53 *and* 54.—The 36*th George* 3*rd*, *cap.* 23; the 55*th George* 3*rd*, *cap.* 137, *ss.* 3 *and* 4; and the 59*th George*

3*rd*, *cap.* 12, *ss.* 2 *and* 5, are repealed, and the ordering of relief to the poor (subject to the powers of the commissioners) is vested in the boards of guardians, except in cases of sudden and urgent necessity, when relief may be given by the overseers, and may also be ordered by any justice in the form of medical attendance or articles of absolute necessity, but not in money.

Sections 55, 56, *and* 57.—The masters of workhouses and overseers are directed to keep registers of every poor person relieved, with the particulars of their families, and place of settlement; and all relief given to or on account of the wife, or any children under the age of sixteen, "not being blind or deaf or dumb," is to be considered as given to the husband or father. But the father and grandfather, mother and grandmother of any poor child, are not hereby discharged from their liability for its maintenance, under the 43*rd of Elizabeth*, *cap.* 2; and the children of a woman, whether legitimate or illegitimate, born before marriage, are until the age of sixteen to be maintained by her husband, and deemed part of his family.

Sections 58 *and* 59.—Such relief as the commissioners shall by order direct, is to be considered as given by way of loan; in which case any justice, upon application and proof, may attach wages in the hands of the master or employer for repayment of the same.

Section 60—Repeals so much of the 43*rd George* 3*rd*, *cap.* 47, as requires relief to be given to the wives and families of militiamen and volunteers, or as prevents such families being removed to their place of settlement, or sent to any workhouse, by reason of their being chargeable.

Section 61—Requires the justices to ascertain that the regulations of the commissioners have been complied with in apprenticing poor children, and to certify the same at the foot of every contract or indenture; but the jurisdiction of justices between master and apprentice is reserved.

Sections 62 *and* 63.—Owners and ratepayers in vestry assembled may, with the approbation of the commissioners, borrow money on security of the rates for the emigration of poor persons, the money to be repaid within five years; and the overseers may apply to the exchequer bill commissioners for a loan for the purpose.

Sections 64, 65, 66, 67, *and* 68—Abolish settlement by hiring and service, and by serving an office; and no settlement which may be incomplete at the time of passing of this Act, can afterwards be completed. Settlement is not to be ac-

quired by occupying a tenement, unless the poor-rate thereon has been paid for an entire year; nor by being apprenticed to the sea-service; nor by estate, unless the owner shall inhabit within ten miles thereof.

Sections 69, 70, *and* 71.—The Acts relative to the liability and punishment of the putative father, and punishment of the mother of a bastard child, are repealed; and all securities and recognizances for indemnifying parishes against future bastards are made void, and persons in custody for not giving such indemnity are to be discharged. The mother of an illegitimate child is bound to maintain it until the age of sixteen; but if she marries, the husband becomes liable.

Sections 72, 73, 74, 75, *and* 76.—On application of the overseers, the court of quarter-sessions may make an order on the putative father for the maintenance of a bastard child, if satisfied that he is really the father, and if the child has become chargeable; but no such order is to be made, unless the evidence of the mother shall be corroborated by other testimony, and no part of the money is to be applicable to the mother's support. Fourteen days' notice of such application is to be given, and if it be rejected, the costs are to be paid by the overseers. If the person charged does not appear, the court may nevertheless decide in the case; and if he be suspected of intending to abscond, he may be required to enter into recognizances, failing in which he may be committed; and if the payments ordered by the court of quarter-sessions are not made, but get into arrear, the putative father may be proceeded against by distress, or the attachment of wages.

Section 77—Directs that no person concerned in the administration of the laws for the relief of the poor, is "to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions, ordered to be given in parochial relief, or in respect of the money ordered to be given in parochial relief," under a penalty of 5*l.*

Section 78—Directs that all sums assessed by justices on the father, grandfather, mother, grandmother, child or children, of any poor persons, for their maintenance or relief, under the provisions of the 43*rd of Elizabeth, cap.* 2, *s.* 7, and all penalties and forfeitures arising from the same, are to be recoverable as penalties under this Act.

Sections 79, 80, 81, 82, 83, *and* 84.—No person is to be removed, until after twenty-one days' notice has been given to the parish to which the order of removal is directed, unless the

order be submitted to, nor if notice of appeal shall have been given by such parish. In cases of appeal, the overseers are to have access to the poor person ordered to be removed, for the examining of him touching his settlement, and may, if necessary, take him out of the removing parish for such purpose. The grounds of appeal must be stated in the notice of removal; and the parties losing the appeal, or making frivolous and vexatious statements, are liable to pay the costs; and the parish to which the poor person shall be finally adjudged to belong, is chargeable with the expense of his relief and maintenance.

Section 85 — Empowers the commissioners to call for and publish accounts of trust and charity estates, "or any other property or funds held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor-rates."

Sections 86, 87, *and* 88.—Advertisements, &c., and bonds and securities made pursuant to the 22*nd George* 3*rd, cap.* 83, and assignments thereof, are exempted from stamp-duty; and letters to and from the board of commissioners are to be free of postage.

Sections 89 *and* 90.—All payments "charged upon the rates for the relief of the poor, contrary to the provisions of this Act, or at variance with any rule, order, or regulation of the commissioners," are declared illegal, and must be disallowed; and the service of any summons at the person's usual place of abode is to be deemed sufficient.

Sections 91, 92, 93, *and* 94.—So much of the 6*th George* 4*th, cap.* 80, as relates to the prohibition of spirituous liquors in workhouses, is repealed; and a penalty of 10*l.* is imposed on persons introducing the same, and in default of payment, committal for any time not exceeding two months. The master of a workhouse allowing the use of spirituous liquors, or ill-treating any poor person, "or otherwise misconducting himself towards or with respect to any poor person," is on conviction thereof before two justices to forfeit such sum, not exceeding 20*l.*, as the justices may direct, and in default of payment may be imprisoned for six months; or the justices may order any salary or balance due to him, to be applied towards payment of the penalty. Copies of these enactments, "printed or fairly written," are to be hung up publicly in every workhouse, and renewed from time to time, under a penalty of 10*l.* for every default.

Sections 95, 96, *and* 97.—Overseers and other officers disobeying the legal and reasonable orders of the guardians, or the justices, are to forfeit not exceeding 5*l.*; but "no overseer

shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians." An overseer or paid officer purloining, wasting, or misapplying moneys or goods of the parish or union, is liable to a penalty of 20*l.*, and treble the value of the goods purloined or misapplied, and will thereafter be held incapable of serving any office "in relation to the relief of the poor."

Section 98—Directs that persons wilfully disobeying the rules, orders, and regulations of the commissioners, or who are "guilty of any contempt of the commissioners sitting as a board," shall, on conviction before two justices, forfeit for the first offence, not exceeding 5*l.*; for the second offence, not exceeding 20*l.*, nor less than 5*l.*; and a third and every subsequent offence is to be deemed a misdemeanour, and will subject the offender to a penalty of 20*l.*, together with imprisonment.

Sections 99, 100, 101, *and* 102.—Forfeitures, costs, and charges under this Act, are made leviable by distress and sale of the offender's goods, and are to be applied in aid of the poor-rates of the parish or union where the offence was committed. The owners and ratepayers are to be deemed competent witnesses, and the justices may proceed by summons for recovery of penalties from any offender. Distress is not to be deemed unlawful on account of irregularity or want of form, and a plaintiff is not to recover in any action for wrongful proceedings, if tender of amends be made.

Sections 103 *and* 104.—Any appeal to the quarter-sessions against an order of justices, must be made within four months after the cause of complaint shall have arisen, and fourteen days' notice of such appeal must be given, and recognizance entered into to abide the order, and pay such costs as shall be awarded. But no action or suit for anything done in pursuance of this Act, can be brought after the expiration of three months, nor unless twenty-one days' notice thereof has been given. The defendant may plead the general issue, and if the verdict be in his favour, the plaintiff will be liable for the costs.

Sections 105, 106, 107, *and* 108.—The rules and orders of the commissioners are made removable by *certiorari* to the court of King's Bench, but they are to continue in force until declared to be illegal. Ten days' notice must be given of an application for a writ of *certiorari*, against which the commissioners may show cause; and the parties applying, are required to enter into recognizance in the sum of 50*l.* to prosecute the suit "without any wilful or affected delay." If

the orders or rules are quashed, the commissioners are forthwith to notify the same to all the unions, parishes, and places to which they may have been directed, and from the time of receiving such notice they are to be deemed null and void.

Section 109—Is the interpretation clause, and sec. 110 provides "that the Act may be altered, amended, or repealed, in this present session of parliament."

Immediately after the passing of the Amendment Act, of which the foregoing is a summary, the commissioners for carrying it into execution were appointed, and forthwith assembled to nominate their secretary, and deliberate upon the course it would be expedient for them to pursue. The commissioners were the Right Hon. Thomas Frankland Lewis, John George Shaw Lefevre, Esq., and the author of this work. Mr. Chadwick, who had been one of the commissioners of inquiry, and been actively engaged in drawing up the reports, was appointed secretary to the board.[t] Before entering into a detail of the commissioners' proceedings under the Act, it may however be useful to describe very briefly the state of the country, and other circumstances existing at the time, without which the propriety and suitableness of those proceedings, and even of the law itself, may not be thoroughly appreciated.

For three or four years previously to the passing of the Poor-Law Amendment Act, the public mind in England, as well in the rural as in the urban districts, had been in a state of uneasy excitement, partly on political and partly on social grounds. The passing of the Reform Bill in 1832, quieted in a great degree the turmoil arising from the former cause; but the latter source of irritation continued to disturb and unsettle men's minds, weakening confidence, and stimulating to

[t] Mr. Lewis was in 1839 succeeded by his son, George Cornewall Lewis, Esq., who had been an assistant commissioner under the Poor Law Inquiry Commission; and Mr. Lefevre was in 1841 succeeded by Sir Edmund Head, at that time the assistant commissioner in charge of the metropolitan district.

acts of violence and disorder. This was more particularly the case in certain of the agricultural counties; and it is worthy of especial notice, that in the counties where the largest amount of relief was afforded under the Poor-Law, the greatest number of riots and rick-burnings occurred in the years 1830 and 1831—thus seeming to establish a close relationship between the one and the other, in the nature of cause and effect. The commissioners of inquiry adopt this view, which they support by citing the instances of—

			Having a population of	And expending in relief.		Per head on the population.
15	parishes in	Bedfordshire .	11,630	£11,005	or	18*s.* 11*d.*
28	„	Berkshire . .	40,398	28,561	„	14 2
21	„	Bucks . . .	18,570	15,362	„	16 6
29	„	Cambridgeshire	42,549	26,960	„	12 8
93			113,147	£81,888	„	14 5
And, 13	„	Chester . . .	7,888	2,712	„	6 10
25	„	Cornwall . .	55,764	16,436	„	5 10
42	„	Cumberland .	42,076	11,672	„	5 6
80			105,728	£30,820	„	5 9

In the first cluster of 93 rural parishes, it will be observed, the expenditure amounts to 14*s.* 5*d.* per head on the population, and in the latter 80 to 5*s.* 9*d.* per head; and the commissioners remark, that "the counties in which the expenditure is large, are those in which the industry and skill of the labourers are passing away, the connexion between master and servant has become precarious, the unmarried are defrauded of their fair earnings, and riots and incendiarism have prevailed. The three counties in which it is comparatively small, are those in which scarcely any instance of fire or tumult appears to have occurred, in which mutual attachment exists between the workman and his employer, in which wages depend not on marriage but on ability, and the diligence and skill of the labourers are unimpaired or increased." [u]

[u] See Supplement to the Commissioners' Report, p. 12, 8vo. edition.

State of the country in the years 1830 and 1831.

The state of feeling which prevailed in the southern agricultural counties towards the end of 1830 has been thus described:—"The farmers and their families had no comfort in their lives. All day they looked with unavoidable suspicion upon the most ill-conditioned of their neighbours, and on every stranger who came into the parish. All night they were wakeful, either acting as patrols or looking out towards the stack-yards, or listening for the rumble of the fire-engine. If a man, weary with patrolling for three or four nights, hoped for a night's sleep, and went the last thing to his rick-yard, and explored every corner and visited every shed on his premises, he might find his chamber illuminated by his burning ricks by the time he could get up stairs. This was naturally a time for malicious or encroaching persons to send threatening letters, and for foolish jesters to play off practical jokes, and for timid persons to take needless alarms, and for all the discontented to make the most of their grievances; and a dreary season of apprehension indeed it was. The military were harassed with fruitless marches, their nightly path lighted by fires from behind, whichever way they turned. Large rewards were offered—500*l.* for a single conviction; and these rewards were believed to have been now and then obtained by the instigators, while the poor tools were given over to destruction."[x]

Such was the state of a large portion of the agricultural districts in the south of England, a very short time before the passing of the Poor Law Amendment Act. There may have been, and probably were, various causes in operation, of longer or shorter standing, to bring about such a state of things; but it can hardly be doubted that the maladministration of the Poor Laws was one of them, if it were not, as indeed

[x] See 'The History of England during Thirty Years of Peace,' vol. ii. p. 13.

seems most likely, the principal cause. Wherever the allowance system prevailed in any form, or to any extent, a part of the labourers' earnings—greater or less according to the circumstances of the district—would be dealt out to him in the shape of parish-relief, and there would be a constant struggle between him and the parish authorities (that is, the farmers and the employers of labour), on their part to give as little as possible, and on the labourer's part to obtain as much as possible, out of that fund to which he had been trained up to believe his right was as good as theirs. Can we wonder then that an ill-feeling should exist between parties so situated—that the roundsman, or the labourer, under the allowance system, should look upon his employer as a tyrant and an oppressor, who withheld from him and his family an allowance to which they had a right; and that he and they should regard such employer with feelings of hatred and revenge, for the manifestation of which an opportunity only was required? Now, incendiarism afforded this opportunity, and also the amplest and safest means of gratifying revengeful feelings, however engendered, or from whatever cause arising; and we see the consequences painted with great force and truth in the extracts given above.

The substitution of union for parochial management, as provided by the Amendment Act, would of itself go far to remove this source of evil. The tribunal of a board of guardians, generally consisting of the principal persons in the district (the resident magistrates being members *ex-officio*, and the others elected by the rate-payers), was not only more distant, but necessarily more impartial, less open to suspicion, and less likely to excite revengeful feelings in dealing with the labouring poor, than the executive of a single parish. When to this is added the abolition of the allowance system, which it would be the duty of the central board to put an end to

as speedily as possible, it will hardly be denied that in the provisions of the new law a scheme, in all respects consistent with sound principle, was devised for removing the incentives to rural incendiarism; and that hopes might thenceforward be reasonably entertained, (as in fact turned out to be the case,) that riots and rick-burnings would cease to alarm and disgrace the agricultural districts of England.

1817–1834. Expenditure on relief of the poor.

The poor-rates had reached their maximum in 1817-18, the expenditure on relief in that year amounting to 7,870,801*l.*, equal to 13*s.* 3*d.* per head on the entire population, which was then 11,876,200, as deduced from the census of 1821. In 1812-13 the expenditure on the poor had been 6,656,106*l.*, averaging 12*s.* 8*d.* per head on the population.[y] So that, in the short space of five years, the charge had been increased by the enormous sum of 1,214,695*l.*, or upwards of one-sixth in excess of what it was in 1813. This rapid increase of the poor-rates was not caused by any increase in the price of provisions, wheat being 108*s.* 9*d.* a quarter in 1813, and 84*s.* 1*d.* the quarter in 1818. The alarm that was then felt, therefore, and to which I have already adverted,[z] was warranted by the facts; and it led, as has also been shown, to efforts in various quarters and in various ways for correcting the evil, and among the rest to the publication, by the author, of the '*Overseer's Letters*.'[a] These efforts, and these alarms, and the increased attention which was in consequence everywhere paid to the subject, had the effect of almost immediately causing a considerable decrease of expenditure, which, after several fluctuations, stood in 1833-34 at 6,317,255*l.*, that is considerably less than it was in 1813 in actual amount, and only 8*s.* 9½*d.* per head, instead of 12*s.* 8*d.*

[y] The population in 1813 was 10,505,800.
[z] See ante, page 177.
[a] See ante, page 241.

per head on the population, which had now grown to 14,372,000.

It may be convenient, and may also serve as a suitable introduction to the proceedings of the commissioners appointed under the Act, to insert here in a tabulated form, the amount of expenditure, the prices of wheat, and the progressive increase of the population, between 1813, the first year these items can be given with certainty, and 1834, the year in which the Poor Law Amendment Act was passed :—

Population deduced from Census Returns.	Years ending at Lady-day.	Price of Wheat per quarter.	Amount expended for the Relief and Maintenance of the Poor.	Rate per Head on the Population.	Observations.
		s. *d.*	£.	*s.* *d.*	
10,505,800	1813	108 9	6,656,106	12 8	
	1814	73 11	6,294,581		
	1815	64 4	5,418,846		
	1816	75 10	5,724,839		
	1817	94 9	6,910,925		
11,876,200	1818	84 1	7,870,801	13 3	This may be called the 1st maximum.
	1819	73 0	7,516,704		
	1820	65 7	7,330,254		
	1821	54 4	6,959,251	..	Reforms at Southwell and Bingham.
	1822	43 3	6,358,704		
	1823	51 9	5,772,962		
12,517,900	1824	62 0	5,736,900	9 2	And this the 1st minimum.
	1825	67 6	5,786,989		
	1826	58 9	5,928,502		
	1827	56 9	6,441,088		
	1828	60 5	6,298,000		
	1829	66 3	6,332,410		
	1830	62 10	6,829,042		
	1831	67 8	6,798,889		
14,105,600	1832	63 4	7,036,969	10 0	This is the 2nd maximum.
	1833	57 3	6,790,800		
14,372,000	1834	51 11	6,317,255	8 9½	New Poor Law Act.

This table shows that the expenditure decreased from what I have called its first maximum in 1818, until it sank to what I call its first minimum in 1824, the efforts to which allusion has just been made, and the examples of Bingham and Southwell extensively promulgated by means of the '*Overseer's Letters*,' all operating in furtherance of this result. These stimulants to an improved administration seem then, how-

ever, to have become weaker, if they did not entirely cease to operate; for from 1824 we find the expenditure again increasing, until in 1832 it attained its second maximum, and again excited alarms as it had done in 1818. This gave rise to the Commission of Inquiry, and prepared the way for the enactment of a measure constituting a central board, with powers to guide and control the local authorities, to correct abuses, and to impart to the general administration of the law a character of permanency and efficiency which, unless such powers were vested somewhere, all experience proved it would be in vain to expect.

In attributing so much importance as I have above and elsewhere done, to the examples of *Southwell* and *Bingham* and to the '*Overseer's Letters*,' I am, I trust, solely influenced by a sense of the great value of every such instance of improvement, and the duty which thence arises of making the improvement and the means by which it has been effected known to others, with the view and in the hope that it may lead to similar improvement in other places, where but for such an example, the parish authorities, ignorant of the existence of a better system, might be content to proceed in the accustomed course. Such improvement certainly followed the publication of the '*Overseer's Letters*,' and almost every instance of what can be called good management that came under the author's notice, both before and after the passing of the Amendment Act, were traceable more or less to the examples which these Letters made known, and the communications arising out of them.

CHAPTER XVI.

Proceedings of Poor-Law Commissioners — Orders and regulations for the government of boards of guardians — Workhouse regulations — Workhouse plans — Order of accounts — Migration from southern counties to manufacturing districts of the north — Commissioners' first Report — Reduction of expenditure — Effect on the labourers — Parish Property Act — Parochial Assessment Act — Commissioners' second Report — Independent sick-clubs — New order of accounts — Summary of second year's proceedings — Impediments in the way of the commission — Commissioners' third Report — Andover and Cuckfield unions — Stoke-upon-Trent and Notham unions — The workhouse system universally applicable.

THE proceedings of the commissioners for bringing the new law into operation, and its working and general results, now claim our attention.

1834–5. Proceedings of the commissioners under the Poor-Law Amendment Act.

It has already been stated that the Poor-Law Amendment Act received the royal assent on the 14th of August, and that immediately afterwards the three commissioners for carrying it into execution were appointed. On the 23rd of August, after taking the prescribed oaths, the commissioners formally entered upon the functions of their office, and took an anxious survey of the extensive range of duties committed to them, and for the due performance of which they were held responsible.

The commission itself, and the measure in which it originated, were very generally approved, although there were, it must be confessed, some marked exceptions in this respect. For the most part, however, the commission had the confidence of the country; and the strong impression of the rapid progress and fearful consequences of the evil, everywhere excited by the circulation of the report of the commissioners of in-

quiry, and which alarms, it may be remarked, were rather increased than lessened by the debates which took place during the progress of the bill through parliament—these apprehensions as to the future, joined to the hopes of obtaining some present relief from the heavy pressure of the poor-rates, secured at the outset a general acquiescence in the proceedings of the commissioners, and fostered an impression, then prevalent, that their powers were greater than they actually were.

Such an impression was no doubt fortunate, so far as it removed many difficulties at the commencement of the board's operations, but it was not enduring; and the reaction was likely to be proportionally strong, as in truth the commissioners ere long found to be the case. However, they moved steadily onward in fulfilment of their task, first organising an office department, for enabling them to deal with the numerous inquiries and representations of one kind and another that were continually poured in upon them from all parts of the country, and then appointing a staff of assistant commissioners, by whose agency the powers of local action vested in the board would for the most part be exercised. These were, in the first instance, limited to nine, but their number was afterwards increased to fifteen, and eventually to twenty-one; and it is right to state that in the selection of these gentlemen the board was most fortunate, their intelligence and earnest devotion to the duties of their office securing for them not only the approbation of their immediate superiors, but also the general confidence of the country.

As soon as the board had fully deliberated on its course of procedure, in which it must be remembered it had no precedent to guide it, and in which moreover a false step might be productive of most injurious consequences, it was determined to proceed, with as little delay as circumstances admitted, to the formation of

unions and the introduction of the workhouse system. With respect to the former, the commissioners considered that by combining a convenient number of parishes into one group, there would be far greater facility for effective management, and less liability to malpractice and abuse, than if the whole 15,635 parishes then separately maintaining their own poor were left in the exercise of separate and independent action. And with respect to the latter, the evidence which had been obtained satisfied the commissioners, that although under favourable circumstances, as in the case of Cookham, it might be possible to obtain a mastery over pauperism by requiring the performance of hard and repulsive labour in return for the relief afforded, yet that a rightly constituted workhouse would be far more certain in this respect, more manageable, and on all accounts to be preferred. The examples of Southwell and Bingham, and subsequently of Uley, and the evidence taken in the case of Cookham itself, fully established the superior efficiency of the workhouse as a test of destitution; and the fifteen years' experience of the two first-named places further established its sufficiency for the administration of relief. This was likewise, it may be observed, further shown by examples of improved workhouse management in other places, particularly in St. George's, Hanover-square, where the workhouse had recently been rendered effective both for testing and for the relief of destitution. The commissioners therefore determined to proceed at once in combining the union and the workhouse systems, under the conviction that a more efficient machinery for the administration of the law would thereby be obtained, at a less cost, and with greater certainty as to the results, than could be hoped for by any other course of proceeding.

The union and workhouse system established.

In acting upon this determination, the earliest attention was given to those districts in which maladminis-

tration had most prevailed, where the working classes were most demoralised, and the ratepayers most heavily burthened. From some of these districts, applications soliciting the commissioners' interference were received almost immediately on the establishment of the commission; and on such occasions, as well as on others where the formation of a union was contemplated, an assistant commissioner was sent to examine the state of the district generally, and to investigate the condition of the several parishes proposed to be united, and to report thereon according to a prepared form, having distinct queries for eliciting every essential point of information. It was likewise the practice of the assistant commissioners, before definitely reporting on the parishes to be united, to assemble the parish officers and the principal ratepayers, and explain to them what was intended, and to invite any suggestions they might be disposed to make. These, together with his own observations and report, were then forwarded to the board in London for final consideration; and the assistant commissioner was sometimes required to attend and give his explanations verbally, on matters involving doubt or difficulty, and which could not be so well settled by correspondence.

Formation of unions.

Notwithstanding the pains which were always taken on these occasions to explain the objects contemplated, and to secure acquiescence in what was intended, it sometimes happened that people were dissatisfied; a parish which it was proposed to unite preferring to remain single, or objecting to be combined with some other parish, most frequently a neighbouring one, against which a feeling of rivalry or some feud existed. On such occasions the board endeavoured to mediate, and, as far as consistent with the general interest, to so modify its final decision as to occasion as little dissatisfaction as possible; and in many cases it turned out that the parties or the parish at first most opposed

to what was done, finding after a time the benefits greater and the objections less than they had reckoned on, eventually became the most satisfied.

Any parish that is distant more than ten miles from a union workhouse is, under the provisions of Gilbert's Act (*22nd George 3rd, cap.* 83),[a] prohibited from being included in the union. There is no such restriction with regard to unions formed under the Poor-Law Amendment Act, the *26th section* of which empowers the commissioners "to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor;" but ten miles was considered to be a convenient limit, and that distance was rarely exceeded, and never unless under special circumstances. The rule usually observed was, to take a cluster of parishes, more or less numerous according to their size and means of communication, and having a market-town, to which the people were accustomed to resort, as a centre, and to constitute them a union. This was the most natural and convenient form of union, and the one which has been generally found to work the best; but this arrangement could not always be observed—the nature of the country, the absence of towns, the existence of incorporations under Gilbert or local Acts, and other circumstances, frequently rendering the adherence to such a rule impracticable, and compelling the commissioners to adopt a formation not the best in itself, but the best within their power.

In every case however, although some unions were unavoidably less conveniently arranged than others, the putting of parishes into union was advantageous, both as respects economy and good order. If a parish be small, the pressure of local influence, local fears, and personal interests, is so strong and so immediate as to render an adherence to correct principle in administer-

[a] Ante, p. 89.

ing relief under the Poor-Law extremely difficult, and in many cases perhaps impossible; whilst in a large parish, although the difficulty in these respects may be less, it would yet be sufficient to bias the parish authorities, and possibly to pervert the beneficent intentions of the law, and turn that into a practical evil which was meant to be a positive good. By combining a number of parishes, whether large or small, in a comprehensive union, these dangers are averted. The union executive will have greater authority, and will be more readily obeyed, and be less open to suspicion of being governed by local or selfish influences, than the executive of a single parish. A union is also able, and will always find it economical, to employ a permanent staff of paid officers, to perform with exactitude and punctuality the duties which in parishes are imposed upon persons appointed annually, and who are often unfitted for the task by habits or position, or prevented from performing it by needful attention to their own affairs, and almost always enter upon the office unwillingly, unless, as in some instances it may be feared, the duty be undertaken with interested or sinister views.

Distinction between union and parochial management.

The results, in the two cases of union and parochial management, can therefore hardly fail of being greatly in favour of the former, as regards economy; whilst, in a social point of view, the union administration will be free from those local animosities and demoralizing tendencies commonly prevalent under that of the parish. In addition to these considerations, there is another of primary importance, since it is only by combining parishes, and spreading the charge of the workhouse over the entire union, that workhouses can be generally provided at all. It would only be the larger parishes, if left ununited, that could provide a workhouse. The expense would be too burthensome for any small parish to bear; for, excellent as

experience has shown the workhouse to be as a protection against the spread of pauperism, there must be a certain amount of property and population to be protected, and of pauperism to be guarded against, to warrant the construction and to bear the charge of so costly a machine; and neither the one nor the other of these requirements exists in a small parish.

On the size of unions.

The size of the unions was a question which at the outset much engaged the commissioners' attention. They remark in their first report, "that where the districts are small, the dispensers of relief act more closely within the sphere of their own connexions; proprietors are more frequently called upon to decide on applications from their smaller tenants, or from the connexions of their dependents; occupiers who serve parochial offices are exposed to solicitations from their own labourers; and retail shopkeepers have too frequently to decide upon claims preferred or supported by their own customers." But in larger districts, it is observed, a majority is generally found who are free from the undue influences prevalent in narrow localities. The extension of the area of management is also said to have made it more easy to obtain efficient officers, "inasmuch as it is proportionately easier to find one fitting man than twenty; or to find one fitting officer for a union of twenty parishes, than to find fitting officers for twenty single parishes." Thus the tendency at first was unquestionably in favour of creating large unions. All theory pointed in that direction, and there seemed scarcely any limitation to the area which might not be proved by theoretic reasoning to be the most eligible for a Poor-Law union.

But it was found, nevertheless, that a compact union of fifteen or twenty parishes, or perhaps of twenty-five or thirty, according to size and local circumstances, generally worked better, was more handy, more uni-

form in its action, and productive of more satisfactory results, than was the case with the very large unions, in which the board of guardians found it difficult to control the whole of the details, and in which they were apt to break up into sections for administering relief, and were thus prone to fall back more or less into the abuses of the old system. In a large union the charge on the several parishes for salaries, and for providing and maintaining the workhouse will, no doubt, be proportionally less than in a small one; and hence it is desirable, on the score of economy, that a union should be as large as is consistent with good and effective management. These it is essential to secure at any cost, and to these therefore the saving in the establishment charges by including a greater number of parishes than can be conveniently and most effectively managed, ought to be altogether subservient. Although combined in union, the parishes are still separately chargeable for the relief of their own poor,[b] of which a distinct account is to be kept; but the common charges of the establishment are to be borne by the parishes generally, according to their respective average expenditure on relief of their poor for the three years previously to their being united.[c]

Providing workhouses.

By the 23*rd section* of the Amendment Act, the commissioners are empowered, with the consent of a majority of the guardians, or of a majority of the ratepayers and owners of property in any union, to order a workhouse to be provided "according to such plan and in such manner as the commissioners shall deem most proper." And the overseers and guardians are thereupon empowered to levy or borrow the money necessary for the purpose, provided that its amount in no case exceed the amount of one year's poor-rate,

[b] See the 26th section of the Poor Law Amendment Act, 4th and 5th William 4th, cap. 76.

[c] See the 28th section of the Poor Law Amendment Act.

taken on an average of the three years preceding. The 25*th section* moreover empowers the commissioners, without such consent, to order the alteration or enlargement of any workhouse, or building capable of being converted into a workhouse; but in this case the money to be raised is not to exceed a tenth of one year's rates, or 50*l*. It was at first considered that the expense and loss of time in building new workhouses, might sometimes be saved by using the old parish workhouses or poorhouses, and assigning one or two classes of the paupers belonging to the union to each house. This was done in a few instances, but it rarely answered; and it was found that, in the long run, it was both most effective and most economical to provide a well-arranged and sufficient workhouse as speedily as possible after the union had been formed. In most cases an entirely new building was erected, whilst in some an old building was altered and enlarged; but whether so altered or newly built, the commissioners were always most desirous that the workhouse should be sufficiently capacious, and that there should be ample means of classification provided. These great essentials were not, however, always secured, the guardians naturally enough wishing to curtail expenditure for such objects as much as possible, and the commissioners not having the power to compel the necessary outlay for more effective buildings.

The order issued under the seal of the commission for constituting a union, and for the election of a board of guardians, was an important instrument, as were also "The orders and regulations for the guidance and government of the boards of guardians;" and both these documents required the greatest care in their preparation, involving as they did matters both novel and difficult, and which were very likely, sooner or later, to come under litigation.

The order declaring the union specified the parishes

included in it, and the number of guardians to be elected by each, and the qualification for the office of guardian. This was generally a rating or rental of 20*l.*, to which, however, was added a disqualification in case a candidate should have been dismissed from any parochial office within two years preceding. The notice of election, and the place and mode of voting, are then prescribed, the latter being by voting-papers, to be left one clear day with each ratepayer, and then collected. The churchwardens and overseers are to add up the votes, and declare the candidate or candidates having the greatest number to be duly elected. Forms are given for the whole proceeding; and it was considered, that in this way the objects contemplated by the Act in requiring the votes to be taken in writing, would best be fulfilled, and that the confusion and the fraudulent packing of boards of guardians which might else take place (as had often taken place in vestries and local incorporations) would be prevented.

The order declaring a union.

'The orders and regulations for the guidance and government of the boards of guardians,' is a much longer and more elaborately-framed instrument than those above-named. It prescribes the holding of weekly meetings, and the order of proceedings, and directs that the decision of a majority of the board shall in all cases be effectual and binding on the minority, and that no guardian shall have power to act except as a member and at a meeting of the board. It then gives directions as to the appointment of the *clerk*, the *treasurer*, and the *relieving-officers*; after which it prescribes the duties to be severally performed by these officers, and also by the churchwardens and overseers of the poor, who are to make and collect the rates in their several parishes as theretofore, notwithstanding the parish being put into union; and they are likewise, in the absence of the relieving-officer,

Orders and regulations.

to administer temporary relief in cases of sudden and urgent necessity, forthwith reporting the same; but the ordinary administration of relief within the union is confided to the relieving-officers, under the direction of the board of guardians, and subject to the following regulations:—1st. Except in cases of sickness or accident, no relief is to be given in money to any able-bodied male pauper who is in employment, nor to any part of his family. 2nd. If any able-bodied male pauper applies to be set to work by the parish, one-half at least of the relief afforded to him is to be in kind. 3rd. One-half at least of the relief afforded to widows or single women, not being infirm, is to be in kind. 4th. No relief is to be given by payment of house-rent, or by allowance towards the same. 5th. Except in cases of accident, sickness, or other urgent necessity, no relief is to be afforded to any pauper between the ages of 16 and 60 belonging to and not residing in any parish of the union, provided such person was not receiving relief at the time the union was formed, in which case due inquiry is to be made as to the propriety of continuing such relief.

Relief of the poor in unions.

The directions next given are with respect to medical relief, and these empower the guardians to contract with competent persons, duly licensed to practise medicine, to be the medical officer or officers of the union, and to attend all sick paupers within the same, and to furnish the necessary medicines and appliances. Every medical officer is required to give a certificate of the cause, nature, and probable duration of the sickness of any pauper, whenever called upon to do so by the guardians, the relieving-officer, or the pauper himself; and is to make a weekly return in a specified form, and attend the board of guardians whenever required. Directions are then given for affording relief by way of loan, and for the purchase of provisions and other articles, which, with a view to

Medical relief.

economical management, is ordered to be done, so far as circumstances will allow, upon tender after public advertisement in one county paper at least.

An auditor to be appointed.

The next and last article of the 'orders and regulations' applies to the auditing of the accounts. The guardians are directed, within a month of their first weekly meeting, to appoint an auditor, who is quarterly to examine and audit, allow or disallow, the accounts of the union and of the several parishes comprised therein, according to the laws in force for the relief of the poor, and to certify the same in the form prescribed, after which the accounts are to be open to the inspection of the ratepayers. The auditor is removeable by the commissioners, and is to receive such remuneration as the guardians, with the consent of the commissioners, may determine. This mode of appointing the auditor was open to much objection, the duty prescribed for him being to examine and allow or disallow the accounts of the very parties by whom he was appointed. Under the circumstances this was, however, unavoidable, it being absolutely necessary that the accounts should be audited, and the law only conferring upon the commissioners the power of directing boards of guardians to appoint auditors in common with the other officers of the union.

With respect to the foregoing 'orders and regulations' the commissioners remark in their report, that they were in the first instance confined to the gradual substitution of relief in kind for relief in money, and to a few simple rules for the regulation of out-door relief, which had been found useful and did not involve any violent change from the usual practice. And they further observe, that to make the transition more easy, a distant day was generally named for the peremptory operation of the rules, leaving an interval for their gradual enforcement. In some cases the guardians requested that this interval might be extended, in

others certain modifications of the rules were found necessary, in order to adapt them to the actual state of the district; and the whole are declared to be subject to revision "for the purpose of making the most speedy advance to a sound system that the circumstances of each district will allow." Accordingly, in the following year, 'amended orders and regulations,' considerably modified from the above, were prepared and issued for the declaration and government both of the rural and of the town unions, together with circulars affording all needful information on the subject. A consolidated order was likewise prepared, adapted to the circumstances of the metropolitan unions and the great towns, and comprising the entire of the regulations, together with forms and instructions upon every matter of detail, so as to leave no opening for doubt, cavil, or misconception in any quarter.

Notwithstanding every care, and the exercise of great forbearance on the part of the union authorities, the administration of relief in conformity with the above regulations, was in several instances met by riotous proceedings, mostly on account of the rule requiring that one-half of the relief should be given in bread or other necessaries. Yet the bread provided in the new unions was always as good, and often admitted to be better, than was obtainable from the ordinary shopkeepers; and as bread was the article of prime necessity, there could be no reasonable objection to its being given to the necessitous instead of money. For the most part, it was only individuals of loose and bad character who were engaged in these riots, which were said in some cases to be encouraged by the small shopkeepers, who lost a portion of their custom by the change; but the boards of guardians were generally firm in the performance of their duties, and order was in every case speedily restored.

The document next prepared and issued by the com-

missioners was 'The orders and regulations to be observed in the workhouses' of the several unions. It prescribed the mode of admission to the workhouse, and the precautions to be taken to guard against the introduction of any infectious disease. It then directs the inmates to be separated into the following classes, viz. :—

The workhouse regulations.

1. Aged or infirm men.
2. Able-bodied men and youths above 13.
3. Boys above 7 and under 13.
4. Aged and infirm women.
5. Able-bodied women and girls above 16
6. Girls above 7 and under 16.
7. Children under 7 years of age.

To each class a separate apartment or building is to be assigned, where they are to remain and be employed in any way the board of guardians may direct; but without mixing or communicating with any of another class, except under the circumstances, and subject to the restrictions specified. The discipline to be observed in the workhouse is then set forth in considerable detail, and the diet of the inmates is directed to be so regulated "as in no case to exceed in quantity and quality of food the ordinary diet of the able-bodied labourers living within the same district." The guardians are directed to appoint from among themselves a visiting committee to examine the house weekly, and to record in the visitor's book such answers to the queries prepared for the purpose and printed therein, as the state of the house and the condition of the inmates may warrant; which answers are to be laid before the board at each weekly meeting. The guardians, with the sanction of the commissioners, are empowered to appoint the following officers:—The master and matron of the workhouse, the schoolmaster and schoolmistress, the chaplain, the medical officer, the porter, and the nurses; all of whose duties are severally prescribed; and the 'orders and regulations' conclude by

giving forms of the accounts which the officers are respectively to keep.

The above regulation prescribing the classification of the inmates of the workhouse, necessarily involves the entire separation of the sexes, and this, when applied to the case of a man and his wife, was by many denounced and declaimed against as cruel, unchristian, and as separating those whom God had joined. Yet this separation had been for a series of years practised in most of the metropolitan and other large workhouses having any pretension to what can be called good management. It is in fact a necessity arising out of the circumstances of the case, as it would be impossible to provide separate rooms for all the pauper married couples, without incurring an amount of expense which would be extremely oppressive to the ratepayers, and at the same time destructive of good order in the house. It would, moreover, entail consequences the very reverse of what is anticipated from the workhouse system, by inviting pauper residents and perpetuating pauper habits, instead, as was found to be the case at Bingham and Southwell and other places, of checking pauperism, and leading the labouring classes back to habits of industry and self-support. In none of the newly-formed unions had any considerable number of married couples accepted in-door relief, and the commissioners express their conviction that permanent domiciliation in the workhouse is a result least likely to occur, if the rule of separation be strictly observed. By way of justifying it, they remark, that the temporary separation of married persons is an inconvenience which many thousands in every rank of life undergo—not as a condition of escape from a pressing evil, but for the purpose of sustaining or advancing their social condition. To which may be added, that a separation constantly endured by military and seafaring persons cannot justly be regarded as a cruelty, when made the

Separation of the sexes.

condition of being rescued from destitution and supported at the public charge.

Workhouse plans.

The commissioners had caused several plans of workhouses to be prepared, of a construction which appeared to them well fitted for the classification prescribed by the workhouse regulations and the other objects of the Act; and copies of these plans were furnished to the several boards of guardians for their information and guidance in providing the requisite buildings, but without requiring the plans to be adhered to, or shutting out competition and opportunities for improvement. The plans framed under the direction of the commissioners were, however, very generally adopted at first, although after a time they underwent considerable modifications and improvements. Plans likewise of a different character, but equalling the former in point of accommodation, although generally somewhat more costly, were also in numerous instances adopted by the guardians, as the formation of unions proceeded; for the commissioners only so far exercised the control given them by the 23*rd section* of the Act as to secure the requisite amount of accommodation, and the means of classifying the inmates, and maintaining order in the establishment.

Order of accounts.

The 'order for the keeping, examining, and auditing' of the union and parish accounts, followed the one for regulating the proceedings of boards of guardians. The books to be kept by the parish officers are first enumerated, and directions are given with respect to each. The same is done with respect to the general accounts of the union, and the workhouse accounts, and the out-door relief accounts; after which, ample directions are given with respect to the "settlement and examination of accounts, bills, and demands" in the union, and in the several parishes comprised in it. In addition to these directions, which are full and minute, forms for the keeping of each

separate account were prepared and attached by way of schedule to the order, together with an instructional letter; and to make the whole more plain and easy of adoption, examples were given of the working both of the union and the parish accounts according to the prescribed forms.

The difficulties which would attend the introduction of one general and uniform system of parochial accounts throughout the country, were very obvious. To be complete and sufficiently comprehensive to embrace every variety of case, the forms must necessarily be drawn in great detail, thus giving an appearance of bulkiness and intricacy beyond what might seem necessary, and far beyond what had ever been attempted before. The salaried officers of the unions may indeed be expected, after a time, to make themselves familiar with these forms, and would then probably find ease and advantage in using them, as they would be addressed to the eye, and calculated to assist the memory. But with respect to the unpaid parish officers the case is very different. In many parishes scarcely any written accounts were kept, in still more they were kept in the rudest shape, and in the great majority very imperfectly, without the support of vouchers or any other test of accuracy. In such parishes, the appearance of the commissioners' 'order of accounts,' with the numerous columnar forms and headings and stringent directions, might well give rise to apprehension if they were understood, and if not understood might occasion serious alarm. In almost every instance, however, they would, it was anticipated, be received by the parish officers with dislike, and would be acted upon unwillingly. The commissioners endeavoured to adapt the system and the forms of the various accounts to these circumstances, by making the whole as short, simple, and intelligible as possible. It was necessary that there should be a uniformity in the accounts, in order to

secure a uniformity in the returns. It was necessary that there should be an effective audit, in order to prevent malversation and abuse. These were the two essentials, to which all else was deemed subordinate.

If regard be had to the novelty, the extent, and complication of the matters to be provided for, and the persons by whom and the circumstances under which the system was to be worked, the order of accounts first issued by the commissioners must be held to have been as successful as could be reasonably expected; notwithstanding that in the following year, and on a subsequent occasion, it was found necessary to issue an amended order, partly to remedy certain omissions and imperfections in the first order, and partly in consequence of the improved working of the unions as the new system became matured.

The '*order*' constituting a union, and giving it an executive of a board of guardians, partly ex officio and partly elective, with ample powers for doing all that was necessary in administering relief under the law; the '*order*' regulating the proceedings of the boards and prescribing the duties of the parish officers; the workhouse '*order*;' and lastly, the '*order*' for keeping the parochial and union accounts—complete the new organization as far as was immediately dependent upon the Poor-Law commissioners. They had then imparted the necessary powers, and given the necessary directions for the combined action of the union and parochial executives, on whom the execution of the law is devolved, and who would have the occasional presence of the assistant Poor-Law commissioners, and always the advice of these and the central board, to aid them in their earlier proceedings, and to fall back upon in every case of doubt or difficulty that might subsequently arise. The measure, taken as a whole, was a very large one, and was beset with so many difficulties that it would have been impossible,

'*Orders*' of the commissioners.

without the extraordinary powers confided to the commissioners, to have carried it into execution. Those powers, nevertheless, required the greatest care and forbearance in their application, interfering as they sometimes did with what were considered to be the rights of property, and also interfering more or less with habits, feelings, and associations of long standing. It would be going too far to say that the commissioners always used their powers in the best manner, or that they always secured the best results; but I may, as a member of the board, be permitted to declare, that it was on all occasions their earnest endeavour so to do.

Migration from the southern counties to the manufacturing districts.

Shortly after entering upon their office, the commissioners' attention was directed to what was considered an excess of population in some of the rural districts in the south, and to the want of hands which notoriously existed in the manufacturing districts of the north. The excess in the first case may have appeared greater than it really was, owing to the discontinuance of the allowance system, which had so long prevailed in the southern counties; but that there was an excess in one part of the country, appeared to admit of as little doubt, as that there was an actual want in the other. The commissioners therefore so far interfered, as to put the manufacturers of Lancashire into communication with certain of the most burthened rural parishes, which led to the voluntary removal of many families from places where wages were very low, to others where they were comparatively high, and where, moreover, there was full employment for women and children. A large migration from the most pauperised districts took place in consequence; and the commissioners state that all these migrants were employed, "and earning collectively as families, three times the amount of wages which they had at any time earned in the districts which they had quitted," whilst the effect upon the parishes was a proportionate reduc-

tion of the rates. The expense of these removals was considered in the light of relief, and was so borne by the respective parishes. By way of example, it may be mentioned that the removal of 113 persons from Prince's Risborough was effected at a cost to the parish of 1*l.* per head.

Emigration.

With a like view to reducing the excessive population which had unhealthily grown up in certain districts, through the existence of settlement and the faulty administration of the Poor-Law, the commissioners framed regulations for facilitating emigration, under the provisions of the 62*nd section* of the Amendment Act. The instances in which parishes took advantage of the powers therein given, were however few, the total number of emigrants in the first year amounting to only 320.

Bastardy.

With regard to bastardy, the commissioners state that "the testimony preponderated strongly in favour of the principle originally approved by the legislature, although it had been weakened and modified in the Act." For some time it was believed that, as recommended by the commissioners of inquiry, the mother of a bastard child was considered to be in the same condition as if no father existed, and was only entitled to relief in case of her inability to maintain herself and the child; and the commissioners observe, that "the evidence as to the effect of this impression, led them to believe that the enactment itself would have produced all the beneficial effects intended by its promoters." The provisions of the Poor-Law Amendment Act, *sections* 69 *to* 75 inclusive, by sanctioning proceedings against the putative father, are at variance with this principle, and so far open to objection; but it must be admitted, that the impediments placed in the way of any such procedure are so great, as to ensure its being rarely resorted to. Meantime, the claims for relief on account of bastardy, are stated to be diminishing.

The commissioners sum up their proceedings at the

end of their first year of office, by stating, that 112 unions had been formed, comprising 2,066 parishes,[d] with a population amounting to one-tenth of the entire population of England and Wales; but that in consequence of the most heavily burthened districts being first selected, "the proportion of the rates affected by the change is one-sixth of the total amount of rates in England and Wales."

1835. Commissioners' first Report. Summary of proceedings.

With respect to the pecuniary results generally, the first year of the commission was too limited a period to warrant any very definite or confident conclusion on this point. It would not be until returns for the entire parochial year up to Lady-day 1836 were obtained, that there would be means of judging of this with certainty. But the commissioners obtained approximate data, which satisfied them, that a general reduction of expenditure was going on at an increasing ratio throughout the country, chiefly in consequence of the substitution of relief in kind for relief in money; the reduction being, as was to be expected, considerably more in the larger parishes than in the smaller—probably about 20 per cent. in the first, but in the last not more than 9 per cent.

Reduction of expenditure.

Anxious attention had been directed to the effect of the change upon the working classes, more especially upon those who had been accustomed to the allowance system; and inquiries were made as to the subsequent condition of the labourers whose allowances had been discontinued, and who notwithstanding refused to accept relief in a workhouse. It was found that these persons generally obtained independent employment, without quitting their parishes; and the commissioners cite the example of the Faringdon union, in which all out-door relief was discontinued, and relief in the work-

Effect on the labourers.

[d] Three single parishes were also placed under boards of guardians.

house was offered to 240 able-bodied labourers, not more than about 20 of whom entered the house, and not one-half of these remained there more than a few days, "the diet in the workhouse being at the same time high, as compared with the diet of large classes of independent labourers." It is further stated, that all the more recent reports from the dispauperised districts represent the wages as being improved, and that the amounts paid are greater than in the adjacent pauperised parishes.

The commissioners declare that they see nothing to prevent the extension of the union system to the less pauperised districts not yet visited, its advantages being universally applicable; and they further state their intention of revising their orders and arrangements from time to time, "with a view to a closer and ultimately to a complete adoption of the workhouse system, and the extinction of all out-door relief to the able-bodied." In concluding their report, the commissioners observe, that they are sustained in their labours by the conviction that the Act which they had to administer "will fulfil the beneficent intentions of the legislature, and will conduce to elevate the moral and social condition of the labouring classes, and promote the welfare of all."

The commissioners' first report, from which the preceding details are chiefly taken, is dated the 8th of August 1835. In the same year an Act was passed for "removing certain legal difficulties" and facilitating the sale and conveyance of parish and other property for poor-law purposes, whence it is commonly called 'The Parish Property Act.' This Act (*The 5th and 6th William 4th, cap.* 69) gave powers which were much needed, and without which it would indeed have been exceedingly difficult to obtain convenient sites, or to provide the necessary workhouse accommodation. Although prepared in the

1835. 5 and 6 William IV., cap. 69. Parish Property Act.

first, the Act must be considered as belonging to the commissioners' second official year, in which year also another Act of very considerable importance was passed for regulating parochial assessments.

'The Parochial Assessment Act' (*The 6th and 7th William 4th, cap.* 96) directs, that after a time to be fixed by the commissioners, "no rate for the relief of the poor in England and Wales shall be allowed by any justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto—that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent." The form in which the rate is to be made is set forth in the schedule, every particular of which, so far as the same can be ascertained, is to be inserted by the officers whose duty it is to make and levy the rate. The commissioners are moreover empowered to order a new survey and valuation, with or without a map or plan, and on such a scale as they think fit, whenever it shall be represented to them by the guardians of a union, or the churchwardens and overseers of a parish, that a fair and correct rate cannot be made without such new valuation. And it is further enacted that the justices in every petty sessional division, shall four times in every year hold a special sessions for hearing appeals against the rates, and shall determine all objections on the ground of inequality, &c., which decision is to be conclusive, unless within fourteen days notice be given of appealing against it, and of the matter or cause of the appeal. Every person rated to the relief of the poor in any parish is entitled "at all seasonable times"

1836. 6 and 7 William IV., cap. 96. Parochial Assessment Act.

to take copies of the rate "without paying anything for the same," and any person having the custody thereof who does not permit this to be done, is subjected to a penalty of five pounds.

Having noticed these two statutes, which a brief experience had shown to be required as adjuncts to the Poor-Law Amendment Act, we will now turn to the proceedings of the commissioners for carrying the new law into execution, as the same are detailed in their second report.

1836. Commissioners' second Report.

The commissioners state at the outset of their report, that they had proceeded as before in forming unions, establishing boards of guardians, providing workhouses, and applying the rules and regulations set forth in their first report. And they further state "that every day's experience confirmed them in the opinion that the principles which the legislature sought to bring into operation by means of the Poor-Law Amendment Act, could never be generally and effectively introduced without the aid of boards of guardians and their subordinate officers, and the sanction of well-regulated workhouses." They add, that they considered the state of the country favourable for the introduction of the amended system, and that in order to secure its application within the shortest possible period, the number of assistant commissioners had been increased to twenty-one, each of whom had charge of a district; so that by Midsummer next they would be able to bring the Act into operation in every part of the country, where they were not impeded by the existence of Gilbert's Act or local incorporations. But they likewise remark, that it could not be expected that a measure which so materially disturbed the annual distribution of the large sum of seven millions, and which was moreover opposed to the interests of some, whilst it affected all, and pressed hardly against the charitable feelings of many, would be carried into effect without encountering difficulty, and perhaps even resistance.

The occurrence of difficulties, and probably of resistance, was no doubt to be expected under such circumstances; and we accordingly find that partial riots and outbreaks occurred in several places, which were however speedily put down by the aid of small parties of the metropolitan police. In one instance, the attempt to introduce order and classification into a badly managed local Act workhouse in Suffolk, was followed by the inmates setting fire to the premises, a fourth part of which was consumed. Similar attempts were made in other places, but on these occasions the watchfulness and energy of the boards of guardians prevented actual mischief. Resistance was also manifested in parts of Devonshire, and with the view of exciting the peasantry, reports were circulated that the bread distributed by the relieving officers was poisoned. Yet despite of these occurrences, it is satisfactory to be able to state, that open and direct resistance was not permitted in any instance to prevail, and that no loss of life occurred in upholding the authority of the law.

Opposition to the law.

It was not, however, by direct resistance alone, that the introduction of the new law was sought to be impeded. "Evasions of every kind, appeals to mistaken compassion, to indirect interests, to ignorant and rooted prejudices, and to the influence of office, were resorted to." The chief reliance for discouraging pauperism was on the workhouse system, the efficacy of which depended mainly on the classification of the inmates, and the maintenance of strict order throughout the establishment; and continual efforts were made to break down these restraints. The separation of men from their wives on their admission to the house, was a never-failing topic of declamation and inflammatory harangues, by persons wishing to court popularity, and excite resistance to the law; as was also the restriction which prevented persons from going

Obstructions to the workhouse system.

in and out of the house at their pleasure. Any one might quit the house at any time on giving notice of a wish to do so; but after leaving it he could not return without going through the forms of admission prescribed by the regulations. This was called imprisonment, and the workhouses were called "Bastiles." There is always much in a name, and this was one of great significance with the multitude. Yet it is impossible to doubt that such a restriction of ingress and egress was necessary, any more than that the separation of the sexes, and the classification of the inmates were essential elements of the system. In all other respects the workhouse inmate is better off than the ordinary labourer. He is better fed, better clothed, better lodged, better attended in sickness, better cared for in health, and far more lightly worked; and were it not for the restraints imposed as the condition of his reception, the workhouse would too probably become an incentive to pauperism, instead of being a check or preventive.

Religious service in the workhouse.

One of the most embarrassing attempts to break down the rule which prohibits the inmates from casually quitting the workhouse, was in the form of applications that they should be permitted to go out on Sundays, for the purpose of attending a place of worship. This was particularly the case with respect to some of the town and metropolitan unions: but whether in town or in country, to have yielded to the application would have been destructive of the discipline of the establishment; and it was moreover unnecessary for the purpose named, divine service being regularly performed in the workhouse on Sundays, by a clergyman of the Church of England appointed for the occasion, whilst any inmate who was not a member of the established Church, might if he wished it be visited by a minister of his own religious persuasion. At *Southwell*, it is true, the

inmates who were able were taken to church on Sundays under charge of the master, and the service over were again taken back to the workhouse, so that no tippling or disorder could take place; but there was no chaplain at the Southwell workhouse, and it was conveniently situated near the church. The circumstances at Southwell were therefore different from those existing in the Poor-Law unions, and what was permissible in the one case, would be highly prejudicial in the other. The rule was consequently maintained, although not without frequent endeavours being made to break through or evade it.

Education of children in the workhouse.

In connexion with the performance of religious service, the education of the children in the workhouse must be noticed. The commissioners state, with respect to this very interesting and important portion of their duties, that they have been guided by the directions in the statute of Elizabeth, that "order shall be taken from time to time for setting to work the children of all such whose parents shall not be able to maintain them," and have endeavoured to stimulate the local officers, after giving to the children a rudimentary education, to procure employment for them out of the workhouse. It is further stated, that the training already imparted to the children by better appointed schoolmasters, and by a better mode of instruction in the common requirements of reading and writing, have to some extent been productive of the effects intended, and that the children so trained are considered better qualified for service. In one instance the guardians applied to have writing omitted, and that the schoolmaster should teach reading only.* To which the commissioners replied, that they could not sanction a plan of instruction for the children in a workhouse from which writing would be excluded,

* See letter dated 7th February, 1836, from the Bedford Union, printed in Appendix C, No. 8, of the Commissioners' Second Report.

and that they considered it of great importance that the workhouse children should be so taught as to give them the best chance of earning an independent maintenance in after-life, which chance the acquisition of writing will greatly improve. One of the duties prescribed for the chaplain by the workhouse regulations, is to examine and catechise the children at least once a month, and after each examination to record the same in a book to be kept for that purpose, stating also the general progress and condition of the children. The proper instruction of the workhouse children appears therefore not to have been neglected in organising the arrangements under the amended Poor-Law; suitable care having been taken to teach them their duty to God and man, and to fit them for gaining their living in the station of life in which Providence had placed them.

Prohibition of out-door relief to the able-bodied.

It has already been stated that it was originally the intention of the framers of the measure, that relief to the able-bodied out of the workhouse should cease on the 1st of July 1835.[f] But this intention was abandoned during the progress of the bill through parliament, and instead of its being so enacted, the commissioners were charged with the duty of fixing the time when the prohibition should take effect in each union. And now, at the end of their second year of office, the commissioners express their apprehension that "it will be a matter of surprise as well as of regret to many persons," that they have applied the rule prohibiting out-door relief to the able-bodied only to a very limited extent, that is, to sixty-four unions. Some unions adopted the rule of their own accord, and only three had raised any objection to its application. The rule, it must be observed, applied

[f] See ante, p. 280. In the bill as first introduced, the 1st of July, 1835, was named as the day on which out-door relief to the able-bodied should cease.

to males only; females were not included; and the commissioners state, that, in the case of aged persons, it has always been their wish that the rule should be applied without severity.

Magistrates empowered in certain cases to order out-door relief, but its nature and quantity are to be determined by the guardians.

It appears, however, that certain aged persons, to whom the guardians decided that relief should be afforded in the workhouse, appealed against that decision to the magistrates, who are in certain cases empowered to order, that the relief which may be given should be administered out of the workhouse. Upon this, questions were raised as to the extent of the magistrate's power in such cases; and the commissioners were called upon to point out to the several parties, "that the order which two magistrates are empowered to make, when one of them can certify that of his own knowledge the aged pauper is wholly unable to work, can go no farther than to direct that the relief to be given shall not be in the workhouse. The amount and the quality of the relief are to be decided upon and awarded solely by the guardians." The promulgation of the purport of the law in this respect, was of great use in preventing the injudicious interference of well-meaning but partially informed magistrates, and in harmonising the action of the union and magisterial authorities. The magistrates, in their capacity of guardians *ex officio*, were, it must be remembered, entitled to attend the meetings of the respective boards, and to vote upon every question in common with the elected guardians; and their opinions as to the nature of the relief to be afforded in any case, would thus be sure of receiving proper attention.

The workhouse dietaries.

It is obviously desirable that the dietaries in the several workhouses should be as nearly similar as possible—similar at least as regards their being attractive or otherwise, although they could not be precisely similar, the habits of the people and the

mode of living being different in one place from what they are in another. The workhouse dietary ought, no doubt, to be governed by the ordinary mode of living prevalent in the district where the workhouse is situated, care being taken however, that the dietary shall in no case be superior to what is ordinarily obtained by the labouring classes in the neighbourhood. Acting on this principle, and being sensible, as they say, "of the importance of proceeding under the sanction of actual experience in a matter so open to cavil and objection," the commissioners instituted inquiries, and procured copies of the dietaries which had been adopted and found sufficient in various parts of the country. From these dietaries six were selected, of a character so varied as apparently to meet every variety of circumstance, and were sent to each of the unions, with a letter pointing out the principle which should govern the guardians in determining on the dietary, whether one of the six, or any other which they might deem most suitable to their own particular case. This communication was very generally attended to, and it led to the adoption of a more uniform, as well as a more economical system of management in dieting the inmates of the workhouses, than would else in all probability have been established.

The Gilbert incorporations.

The existence of incorporations under Gilbert's Act continued to impede the proceedings of the commissioners in forming unions; for although seventeen of these Gilbert incorporations had been dissolved, there were yet many, the commissioners state, "in which the directors are still so imperfectly informed as to the real interests of those for whom they act, as to maintain a pertinacious resistance to the introduction of the amended law." The provisions of Gilbert's Act (22*nd George* 3*rd*, *cap.* 83)[g] are directly at variance with the whole tenour of the Poor Law

[g] Ante, p. 89.

Amendment Act, not only sanctioning, but in distinct terms requiring, the guardians to find employment "near the place of his or her residence" for all poor persons applying for the same. The total disregard of order in forming the unions under that Act, as well as the embarrassments their existence now occasioned, may be gathered from the fact that, before the new system could be established in one part of Leicestershire, no less than eight Gilbert incorporations, comprising 115 parishes, had to be cleared away.[h] These incorporations, it is stated, "had been most capriciously put together. Their respective parishes were intermingled in the greatest confusion; no principle or plan seems to have been observed in their construction; one or two parishes formed the nucleus, and they admitted or rejected others just as they expected advantage or apprehended trouble from a connexion with them." The commissioners express a hope that the remaining Gilbert incorporations may be induced to dissolve, on seeing the saving of 47,113*l.*, or 41 per cent. upon their previous expenditure, which had followed the breaking up of seventeen of their number, and reconstituting them with the more complete machinery provided under the powers of the Poor-Law Amendment Act; but this hope, I regret to say, was not fulfilled.

Local Act places.

Next to the Gilbert incorporations, the local Act places were the occasion of the greatest embarrassment in carrying out the provisions of the new law. This was particularly the case in the metropolis, within the limits of which there are a great number of parishes, each having a governing body of its own, and all the large ones being managed under local Acts. These governing bodies exercised a variety of functions, more or less important, in addition to that of relieving the poor; and the interference of the commissioners, although limited to this last object alone,

[h] See Mr. Hall's Report, Appendix B, p. 436, of the Second Report of the Poor Law Commissioners.

could hardly fail of causing some derangement as well as exciting some jealousy, and perhaps alarm. It has accordingly been found, that although in several instances improved management, and more economical expenditure, have followed upon the free and open election of a board of guardians under the provisions of the Amendment Act, there yet has been in certain other cases a pertinacious resistance to the authority of the commissioners, and to the introduction of the machinery provided by the new Poor-Law.

Bastardy.

With respect to bastardy, adherence is again declared to the views of the commissioners of inquiry, whose recommendations on the subject are pronounced to be in accordance with sound policy; and the commissioners express their satisfaction at observing "that the practice, which was at one time almost universal, of dealing with the mothers of bastard children differently from other paupers, is rapidly giving way, and the sounder course of giving relief only according to the measure and character of their wants, is more generally adopted." The number of bastards chargeable to the parishes of England and Wales in the year 1835 is stated to be 71,298, whilst the number so chargeable in 1836 was 61,826, thus showing a decrease of 9,472, which is equal to 13 per cent. But the operation of the Act will be more clearly shown by taking the numbers affiliated, which in 1835 were 12,381, and in 1836 were 7,686, making a decrease of 4,695, which is equal to 38 per cent.

By the 15*th section of the Poor-Law Amendment Act*, the commissioners are authorised to make regulations for apprenticing pauper children; and they now state that they are not unmindful of the duty required of them in this respect, but that they have hitherto abstained from issuing any such regulations, because, although the evils are obvious, it is difficult to define the precise mode by which they can be remedied; and it

is likewise believed, that the number of such apprenticeships will be greatly diminished, as the number of persons maintaining themselves independently of the poor-rates increases.

The system of compulsory parish apprenticeship had for a long time prevailed to a great extent in all the western counties, particularly in Devonshire, where its evil effects were very apparent. The binding was considered a degradation both to parents and children, and the inequality of the burthen was felt to be a hardship and injustice by the ratepayers. There was a different mode of allotting the apprentices in almost every parish. In some cases, all persons rated at 50*l.*, or some other fixed amount, are compelled to take an apprentice for every such sum, and all who are rated below it contribute towards the maintenance of the apprentice, by paying the master in proportion to the rated value of their properties; so that a person might have several apprentices fixed upon him, for whom he may be able to find neither employment nor suitable accommodation. The parish apprentice generally becomes the slave of the whole household. His education is for the most part neglected; he rarely attends a place of worship; and if a girl, she is often sent into the fields to do the work of men or boys, instead of being trained in household occupations befitting her sex. The system of parish apprenticeship is no doubt attended with these and other evils, and it is satisfactory to find the commissioners expressing their confident expectation that such "compulsory bindings must soon become so limited in point of number, that the difficulty of devising proper regulations will be much diminished."

Emigration and migration.

The local investigations which took place in connexion with the arrangements for forming the Poor-Law unions, led to its being ascertained that there was a redundancy of labourers in several parishes in the southern and eastern counties, and such

parishes were, as in the year preceding, enabled by the commissioners, under the provisions of the 62*nd and* 63*rd sections* of the Amendment Act, to raise the money necessary for the emigration of a considerable number of these labourers, who proceeded chiefly to Upper Canada. But the commissioners declare that in this matter they only acted in compliance with the wishes of the parishioners, and have "taken no steps to encourage or promote this most costly method of relief." They say, however, that they have again given direct encouragement and assistance to the migration of paupers from the rural to the manufacturing districts, and are able to state that, on the whole, their efforts have been attended with success, although some who have so migrated turned out indifferently, and failed to acquire regular and industrious habits. A table is inserted in the appendix[1] to the report, showing the particulars of 2,673 of such migrants, some of whom, it is however stated, subsequently returned to their parishes.

Medical relief.

No part of the proceedings for bringing the new law into operation, called forth more persevering clamour and misrepresentation than the arrangements with respect to medical relief. Yet the commissioners were always solicitous that it should be amply provided, and never sought to disturb the existing arrangements, whenever they were sufficient for the purpose; neither did they, as was asserted, seek to displace the resident medical practitioners, by encouraging the introduction of new men. It is true this did occur in a few instances, through what the guardians considered to be the extravagant demands of the medical men of the district, who afterwards loudly complained of their practice being thus interfered with. The method sometimes adopted by boards of guardians, of requiring medical men to state, by way of tender, the sum for

[1] See Appendix B, No. 20, to the Second Report of the Poor Law Commissioners.

which they would undertake to perform the duty of attending the sick poor, was also complained of as being derogatory to the profession. As unions were formed, it no doubt became necessary to make some change in the arrangements for affording medical relief in the separate parishes, and this may have led to a decrease in the practice of some medical men, and to an increase in that of others; but the entire amount of this description of relief was not thereby lessened, neither was the entire amount of remuneration to the medical practitioners thereby reduced — it was, on the contrary, increased.

Previously to the passing of the Poor-Law Amendment Act there was no express authority for medical relief. The statute of Elizabeth makes no mention of it, and the subsequent Acts relating to the poor are silent on the subject. Although in the absence of any express provision, medical relief had in all parts of the kingdom been largely supplied to the poor, and had in fact become an essential part of the system, it must be admitted that the principle of the new law aimed at restricting medical in common with every other established mode of relief, and sought to render the labouring population provident and self-reliant in all the various contingencies of life. The wants of sickness are not, it is true, of the same constant and daily occurrence as the want of food, but they are capable of being provided for by the exercise of proper forethought, as in the case of house-rent or clothing. There is, however, this difference between the two— sickness destroys a man's capacity for labour, and if, led on by the hope of continued health, he fails to make timely provision, and sickness should overtake him, he is at once prostrated, becomes in himself helpless, and is of necessity compelled to look to others; whereas, if a pressing want or urgency assail him whilst in health, he may, by instant and earnest effort, meet it

and rise above it. Whilst adhering, therefore, in their entirety to the principles of the Poor-Law Amendment Act, we may yet admit that medical relief is, in its nature, not only the least objectionable of all modes of relief, but that it is within reasonable limits admissible, and, in the existing state of society, even necessary.

Independent sick-clubs.

It must, however, at the same time be granted, that with respect to the labouring population the casualty of sickness is capable of being provided for in the most unobjectionable manner by means of associations, that is by the establishment of "independent sick-clubs;" and in proportion as these prevail, would the call for medical relief under the Poor-Law be lessened, while the feeling of independence would be strengthened, and the people would become more provident and self-reliant. It was therefore very early endeavoured through the personal influence and exertions of the assistant commissioners, and by means of a circular addressed to the boards of guardians, to procure the general establishment of such sick-clubs; and in order that they might be able to furnish the best information on the subject, the commissioners got together the regulations of a great number of these clubs, and condensed whatever was found good in them into a set of rules, which appeared to be sound and practical, and which might be safely taken as a standard in the formation of such associations. The circular and the suggested rules are given in Appendix A, No. 3, of the commissioners' second report; but they were not extensively acted upon, although the principle on which the recommendations were founded was generally approved.

1836. New order of accounts.

It has been already stated, that in the second year a new order of accounts[k] was issued, the forms and details of which were prepared "after

[k] See ante, p. 320.

extensive inquiry and correspondence, and much careful consideration, and, it may be added, much labour also." The commissioners express their belief that the new forms will work well, and that no further alterations will be necessary, "provision being made in them for bringing out in a clear and distinct manner all the results of interest or importance connected with Poor-Law administration, and with the habits, character, and position of our pauper population; so that the returns periodically called for, and which have hitherto been made in a very incomplete and unsatisfactory manner, will hereafter be attainable with comparative ease, and in forms more consonant with the present advanced state of statistical science."

Auditors.

The great importance of the office of auditor is fully recognised in the second report, the commissioners declaring that "it daily becomes more and more evident to them, that when the duty of arranging the unions and introducing the rules and regulations is completed, it will be by the authority and superintendence of the persons executing the duties of auditors, that the new system of Poor-Law administration will be mainly upheld." This may have seemed a natural expectation at the time, but its being realized would very much depend on the character and position of the auditors. To be effective, they must not only be competent to perform the duties of the office, but they must also hold it independently of and uninfluenced by the local authorities, whose expenditure they have to scrutinise and possibly to disallow. Yet the appointment of the auditors is by the 46th section of the Amendment Act vested in these very local authorities, the commissioners being, as has been before stated,[m] only empowered to direct guardians and overseers to make the appointment. It is true the

[m] See ante, p. 288.

commissioners have the power of dismissal, which may be so exercised as to prevent incompetent or improper persons from continuing to hold the office, and the commissioners can also regulate the salaries and prescribe the duties; but these are all little more than palliatives of the vice of the original appointment, which still rests with the parties whose expenditure the appointee is required to check and control, a function which he can therefore hardly be expected to execute very stringently or effectively. The auditors thus appointed performed their duties to the full as well as could be expected under the circumstances, and their audit was certainly more efficient than what previously took place before the justices under the old system, which was a mere matter of form, and utterly useless.

For the information and guidance of the auditors in executing the duties of their office, instructions were prepared pointing out in detail what charges could be legally allowed, and what should be disallowed as being illegal; and a copy of these instructions was forwarded to each auditor. In like manner detailed instructions were furnished to the overseers and parish officers, for guiding them in making disbursements out of the rates, the principle enforced in each case being "that no money should be allowed to be expended from the poor-rate, excepting such as was directly applied to the relief of the poor, or was otherwise expressly authorised by the statute."

Summary of the second year's proceedings.

The commissioners state, as the result of the *second year's* proceedings, that since the date of their former report (8th August 1835) 239 unions had been formed, comprising 5,835 parishes, and that boards of guardians had been organised in eleven single parishes, making a total of 5,846 parishes, in which the poor-rates amounted to 2,690,695*l.*, and the population to 4,836,816. If to this be added what was done in the previous year, it will give a gross total of

351 unions and 14 single parishes placed under boards of guardians, comprising in all 7,915 parishes, with a population of 6,221,940, and in which the poor-rates amounted to 3,912,238*l.* The proportion of the population thus placed under the new law, amounts to 45 per cent. of the entire population of England and Wales, and the proportion of the rates in the parishes so placed is 65 per cent. of the total expenditure. This difference of proportion between the population and expenditure, is owing to the law having been first applied to the most heavily burthened parishes.

The returns show that the money expended for the relief of the poor amounted in 1835 to 5,526,418*l.*, and in 1836 to 4,717,630*l.*, thus exhibiting a reduction effected under the operation of the new law, in the first parochial year, of 790,838*l.*, and in 1836 a further reduction of 808,788*l.*, or a total reduction as compared with 1834 of 1,599,625*l.* This is a large reduction in two years; and as the money thus saved was for the most part left in the hands of the employers of labour, they would be enabled to pay better wages, and to give more employment, whilst the labourers receive, in the shape of honest earnings, compensation for what they were accustomed to receive as an allowance from the rates. It is satisfactory also to find by the reports from the rural districts, that the labourers were become more orderly and industrious, that they were beginning to look to the master instead of the parish officer, and to feel that a good character is the best security for obtaining regular employment. These results cannot fail to be regarded as highly auspicious for the working of the new law, and to warrant the confidence expressed by the commissioners at the end of their report "not only in the permanent character of the improvements described, but that such improvements will be progressive, so long as correct principles of Poor-Law administration continue to be enforced."

1836. Impediments to the introduction of the law.

The proceedings for bringing the new law into operation may be said to have been thus far conducted, on the whole, under favourable circumstances; but this was far from being the case in the three succeeding years, during which these proceedings were beset by nearly all the embarrassments and impediments that could be brought to bear against them. The autumn of 1836 was wet and unfavourable, and was followed by an extremely severe winter, which greatly impeded, and for a time put an entire stop to, farming operations and out-of-door employments generally. This was succeeded by deficient crops and a high price of all the necessaries of life, to which must be added the outbreak of an epidemical influenza, that carried off many persons in every class of society, and left still more in a weak and enfeebled state; and finally, to complete the series of difficulties, a sudden check or revulsion of trade took place, with the inevitable accompaniment of a reduction of employment in the manufacturing districts. These were all circumstances exceedingly adverse to and calculated to impede the organization and successful working of the new measure; and they called for the utmost vigilance on the part of those to whom its introduction was confided.

There were likewise other circumstances of a scarcely less embarrassing nature than those above adverted to, for at this time the influence of the commission, and confidence in the permanency of the new law, were both weakened, through the inquiries instituted by parliament in 1836, 7, and 8, with respect to the administration of the law, and through the approaching termination of the commission itself, which unless renewed would expire in 1839, or "at the end of the then next session of parliament."

Such were the difficulties and impediments, both general and particular, against which the commis-

sioners had to struggle throughout the years 1837, 8, and 9; for although towards the end of the latter year the commission was renewed, it was so only for a single year, and on an understanding that the question would be reopened in the next session. In adverting to these circumstances, the commissioners express regret that the systematic course of amendment they had pursued in fulfilment of the objects of the Act, should have been exposed to a protracted scrutiny whilst it was confessedly incomplete; and that so much of their own and their assistant commissioners' attention, which would else have been applied to the correction of defects, should be devoted to furnishing information for refuting adverse statements for the most part unfounded, and to upholding those main principles of the law to which, although at first cordially adopted by the boards of guardians, they in some instances became less disposed to adhere, in consequence of the indications of doubt manifested by the legislature in directing these inquiries.

1837. Commissioners' third Report.

The difficulties arising from the cessation of employment, whether caused by the severity of the season or the stagnation of trade, are precisely those which would bear hardest upon the machinery created under the new law. In either case the pressure would be sudden, and it would also be general if occasioned by the badness of the season in an agricultural district, or by a revulsion of trade in a manufacturing one. Against the suddenness and the extent of the pressure under such circumstances, the workhouse is meant to be a defence; and if it be rightly constituted, and judiciously applied, it will generally be found effective for the purpose. But it is very possible that a case may arise, where the number of individuals pressing for relief will be so great, as not only to exceed the ordinary capacity of workhouses for receiving them, but even to prevent the guardians from tendering

relief in that form, or, as the phrase is, from "offering the house," lest it should be "swamped." If this should occur, and the workhouse be thus for a time rendered ineffective as a test, either additional premises must be taken and adapted for the purpose, which it would generally require time and arrangement to accomplish; or else out-of-door employment of a rough and uninviting character must be resorted to, which, although less effective as a test and less manageable than the workhouse, will still be of considerable use if rightly conducted. These are the two alternatives, if a workhouse be not ready, or in danger of being "swamped," for protecting the union or the parish against an overwhelming demand for relief in sudden emergencies, from whatever cause arising.

Alternatives if the workhouse be found insufficient.

On such, and indeed on all other occasions where relief is given at the cost of the public, it is essential that it be administered in conformity with correct principle—that is, that the relief afforded be in such a form, and coupled with such conditions, as to be less desirable than a subsistence obtained by independent labour; so that there may thus be a reasonable assurance, that only in cases of actual necessity will it be applied for or accepted. This constitutes the workhouse test—the test of "in-door relief;" and whenever an "out-door test" is resorted to, it ought to be applied on the same principle, as regards the nature and quantity of the work to be exacted, and also in the relief given in return for such work, which should be chiefly in food.

An instance or two, by way of practical illustration, may here be useful. In the Andover union (Hants), in the month of September, 1836, when, in consequence of the continued heavy rains, field-work was put a stop to, fifteen able-bodied labourers, as had been usual in such cases, applied for relief. The guardians offered to receive them and their

Instances of the Andover and Cuckfield unions.

families into the workhouse, but none accepted the offer, and in a short time they all obtained employment, and supported themselves without aid from the rates. Thus also in the Cuckfield union (Sussex), a few days after the heavy snow had set in, in December of the same year, application was made by a hundred and forty-nine able-bodied labourers for relief, on account of the inclemency of the weather. To a few, as being urgent cases, the guardians gave some relief in kind, but to a hundred and eighteen of these men the workhouse was offered, six of whom accepted it. On the following board-day more applications for relief were made, and sixty were offered to be taken into the house, but five only entered, and three of these left it on being set to work at the corn-mill. In both these cases, as in many others precisely similar, were it not for the option which the guardians possessed of tendering relief in the workhouse, not only the men who applied, but the whole labouring population of these districts, would have been thrown upon the rates, and thus helped to spread the debasing influence of pauperism. The total number of able-bodied men in the Cuckfield workhouse during the heavy snow-storm in the winter of 1836-37 was twenty, and they all quitted the house on the snow ceasing. And the commissioners state that "they have not known a single instance of any workhouse, with proper accommodation, in any rural union, having been filled by an influx of able-bodied paupers."

The above were rural unions, and the applications for relief were caused by the severity of the season; but similar, and even more striking results followed the application of the workhouse principle in the manufacturing districts of Nottingham, Derby, Leicester, Stafford, and Warwick—in all of which employment had been more or less affected by the stagnation of trade that took place, in consequence of financial difficulties in America. The most remarkable instances of the successful appli-

cation of the principle are however those of Stoke-upon-Trent and Nottingham, each of which is deserving of notice, not only as a valuable example in itself, but also for the purpose of comparison with the rural unions.

The instance of Stoke-upon-Trent.

Stoke-upon-Trent was the first manufacturing town placed under a board of guardians. The order for that purpose was issued on the 31st of March 1836, very soon after which there was an extensive strike for an advance of wages on the part of certain classes of the pottery operatives, which had the effect of throwing nearly the whole labouring population of the place out of employment. The guardians, without experience, and just entering upon their office, thus found themselves suddenly involved in serious difficulties, and forthwith applied to the commissioners for advice. They were told in reply, that so long as there was room in the workhouse, no able-bodied applicant ought to be relieved out of it; and that whenever the workhouse was full, out-relief in kind should be adopted, but that it should be given as far as possible in return for labour. The advice was at once adopted; and although there was said at one time to be no less than 30,000 persons out of employment, and although the distribution of 10,000*l.* in weekly wages was suspended, no breach of the peace or serious disturbance took place; and the board of guardians, elected by and representing the whole body of ratepayers, were enabled to maintain their authority, and administer the affairs of the parish with economy and regularity. Persons who voluntarily throw themselves out of employment can have no claim for support from the poor-rates; but on such occasions there must always be a great number, possibly sometimes the greater number, whose employment necessarily ceases when the others are on strike, or who may be coerced into idleness by their fellows. But, from whatever cause arising, whe-

ther from voluntary or from unavoidable cessation of employment, it is certain that on no occasion is a strict adherence to principle in the administration of relief under the Poor-Law more necessary, than on the failure of employment in a manufacturing district. To permit relief from the rates to be made a substitute for the wages of labour, would not only be illegal, and a most improper interference with the labour-market, but would tend to sap the foundations of property, and eventually lead to what is usually understood by the terms "socialism," or "communism."

These consequences were happily averted by the firm and prudent management of the board of guardians, in the case of Stoke-upon-Trent; and although the resources of the operatives were much reduced by their strike of nearly thirteen weeks, and notwithstanding that the stagnation of trade which shortly afterwards took place, to an extent never known at any former period, threw great numbers of the people out of employment—in the face of all these difficulties, it is declared, that at Stoke-upon-Trent "the machinery of the new law has been found equal to the emergency."

The instance of Nottingham.

The case of Nottingham, although differing in some respects from the above, equally goes to establish the soundness of the workhouse principle. The greater portion of the munufacturing districts of Nottingham and Leicester, were placed in union in the early part of 1837; and the administration of relief by the boards of guardians had hardly commenced, when "the interruption in the American trade caused a cessation in the demand for labour more sudden in its approach, and more extensive in its operation, than had been known on any former occasion."[a] The Nottingham union comprised a population of about 50,000 persons, mostly engaged in the stocking trade. The order prohibiting out-door relief was in force in this

[a] See the Commissioners' Second Report, p. 10.

union; and when the pressure of commercial distress suddenly caused a cessation of employment, it was evident that the guardians would be placed in difficulty, their workhouse being old, ill managed, and insufficient in size. They were however disposed to adhere firmly to the regulations, and as the applications for relief increased, they took steps for increasing the workhouse accommodation, by removing the children and the aged and infirm into premises hired for the purpose, which with certain other arrangements enabled them to make room in the house for nearly 700 persons. A constant communication was kept up with the commissioners, and as the pressure continued to increase upon them, and the workhouse accommodation again became insufficient, the guardians were authorised to afford out-door relief to such extent as they might find necessary, in return for labour at task-work.

The labour resorted to on this occasion at Nottingham, was the making of a public road; and a test was thus established auxiliary to that of the workhouse, which it was hoped would enable the guardians to meet any pressure the circumstances of the times might subject them to. Distress, however, continued to increase, and as winter approached, it was deemed advisable still further to extend the workhouse accommodation, by taking some adjoining premises; but these also after a time were found insufficient, and wooden sheds were then erected, in which food was distributed, and consumed on the spot, by the persons applying for relief. This last mode proved very insufficient as a test, and very many persons partook of the relief, who were by no means entitled to it. Perhaps this was unavoidable, under the circumstances; and having regard to the insufficiency of the workhouse accommodation, the difficulty of applying the out-door labour test in the depth of winter, and the extreme and continued stagnation of employment, we must feel that

large allowance should be made for whatever was defective in administration. The energy of the guardians in endeavouring to maintain the workhouse principle under extraordinary difficulties, is shown by the fact of their having doubled the accommodation, no less than 971 persons having been in the house at one time in December. In the following summer the hosiery trade resumed its accustomed activity, all out-door relief had been discontinued, the workhouse inmates were reduced to about the usual number, and the guardians had the satisfaction of seeing a natural state of things restored, without their having been driven, in the severe ordeal through which they had passed, to violate principle or yield to clamour.

In administering suitable relief to the distressed artisans of Nottingham, it was a cause of some embarrassment to the guardians, that a large sum (about 4,000*l.*) had been contributed by benevolent persons in the town and neighbourhood for the same purpose, with a committee appointed to superintend its distribution. The existence of such a fund would no doubt raise up numerous applicants to partake of it, and with whatever care it might be administered, it would be impossible to guard against fraud, or altogether to prevent abuse. It was meant that this charitable fund should be applied in aid of the poor-rates, and thus to afford some relief to the ratepayers, as well as to relieve the unemployed operatives; and, as far as was practicable, this appears to have been done. Yet the blending of funds so differently derived, and the commingling of objects and motives in the application, widely differing if not opposite in their natures, could hardly fail of being attended with complexity and confusion, as well as disturbing the simplicity, and thereby lessening the efficiency of the workhouse principle in the matter of relief. This seems to be the opinion of the commissioners, who say that if no such subscription had existed,

and if the relief of the necessitous had to be provided out of the poor-rates alone, they are confident that the union authorities would be able to meet any exigencies which might arise in a manufacturing district through distress in trade or other contingency; and "that by adopting an out-door labour test in addition to the in-door workhouse test, and applying it according to sound rules, almost any conceivable amount of pressure might be met and adequately provided for." In-door relief, the commissioners observe, is more certain, simple, and easy in its application; but the out-door labour test is the same in principle. They add, however, that although both tests may thus be employed, "it is yet obvious that the in-door test of the workhouse should, with respect to able-bodied persons, alone be resorted to under ordinary circumstances; and that the out-door labour test should be called into operation only in extreme or emergent cases." [o]

It is nevertheless right to state, that the prohibition of relief to the able-bodied unless it be in a workhouse, was objected to by many well-intentioned persons, on the ground of its being a hardship to the labouring classes, and as punishing poverty as if it were a crime. But to this it has been well replied, that "to say that forbidding relief to the able-bodied out of the workhouse will make poverty punishable, is the grossest misrepresentation, if by poverty is meant the situation of a man who has to earn his bread. It is the present system which, by confounding poverty with pauperism, and tainting wages by the admixture of relief, punishes poverty with a severity which one would be sorry to see applied to crime." [p] This is meeting the objection on the true ground. A system tending to lead the industrious classes from a reliance upon their own in-

[o] See the Commissioners' Third and Fourth Reports.

[p] Extracted from Mr. Senior's manuscript, before referred to; see ante, p. 278.

dependent exertions, is really cruel; whilst a system tending to impress them with the necessity of self-reliance is really benevolent, and best accords with what we are permitted to see of the workings of Divine Providence.

The instances of Andover and Cuckfield, above cited, may be taken as exhibiting the average operation of the law in rural unions, wherever a competent workhouse had been provided, and the guardians acted with firmness and discretion. The pressure to which these two unions were subjected was not perhaps very extreme, but it is certain that, had it not been for the new machinery of a board of guardians acting under definite regulations, and the existence of an effective workhouse, every labourer in these unions would have had his independent feelings outraged and probably perverted by being placed in the condition of a pauper. As it was, the labourers doubtless suffered some privation on missing the usual allowance, but the privation would cease on the change of weather, and its occurrence would lead them to make provision for averting it in future. The event might also, and probably would, lead the employers to be more considerate of the welfare of their people, and not permit them to be thrown entirely out of employment on the occurrence of wet weather, or a protracted snow-storm. The examples of Andover and Cuckfield are in unison with, and may be regarded as confirming the much earlier example of Southwell, with respect to the sufficiency of the workhouse as a test of destitution, and as establishing its perfect adaptation to the rural districts. The applicability of the workhouse system in the country unions was now indeed very generally admitted, but many persons still asserted that it was unsuited to the manufacturing districts and great towns, and that in such places it must fail. In refutation of such an opinion, it is only necessary to refer to

The workhouse system universally applicable.

the examples of Nottingham and Stoke-upon-Trent, as they are above described; to which may likewise be added that of the metropolitan and manufacturing district of Spitalfields, the circumstances of which were almost identical with those of Nottingham, including a charitable subscription for the relief of the unemployed silk-weavers in one case, as for the stocking-weavers in the other. In short, the whole of the experience, both before and after the passing of the Poor Law Amendment Act, goes to establish the universal applicability of the workhouse system, and the certainty of the effects whenever it is judiciously administered.

The workhouse system applicable to Wales.

The circumstances of Wales are, as has been already noticed,[q] somewhat peculiar: but the commissioners express a confident expectation that the establishment of unions, and the organization of boards of guardians in the principality, will tend to raise the character of the farmers and yeomen by accustoming them to the transaction of business; and also that the workhouses will facilitate the putting an end to the practice of paying rents, and at the same time afford proper means of providing for bastard children and their mothers, the support of whom then pressed heavily on the rates. Bastardy was, indeed, exceedingly prevalent in Wales, the census returns of 1831 showing "that in one county in South Wales 1 in every 59 persons is a bastard, and maintained by the parish." These returns likewise show, that in England the proportion of illegitimate children thus supported was 1 in 215 of the population, whilst in Wales it was 1 in 139.[r] The practice of the Welsh overseers in cases of bastardy was, it appears, to

[q] See vol. i. p. 29.

[r] See the Commissioners' *Third Report*, p. 38. It is right to state, however, that Sir Thomas Phillips, in his account of Wales, published in 1849, denies that bastardy is more prevalent in Wales than it is in England; and he shows by statements deduced from the Registrar-General's Reports, that, in 1849, the number of illegitimate children born in England was 6·7 in every 1,000 of the population, and that in Wales the proportions were precisely the same.

take the young children from the mothers, and put them out to nurse, leaving the mothers free to return to service, and exempt from further charge; and such an unnatural abandonment on the part of the mother can only, the commissioners say, be put an effectual stop to by providing both for the mother and child in a well-regulated workhouse. The repression of bastardy is not precisely the object for which the workhouse was originally devised, but it nevertheless comes fairly within the operation of the workhouse principle, bastardy being unquestionably a branch of pauperism; and it is greatly to be desired that the workhouses in Wales may be made available to this end.

Before closing this chapter it is necessary to state, with a view to preserving the order of dates, that William the Fourth died on the 20th of June 1837, and was succeeded by her present Majesty Queen Victoria. These events, however interesting to the national feelings, were productive of no change in the proceedings of the legislature in reference to the Poor-Laws.

1837. Death of William IV. Accession of Queen Victoria, June 20th.

CHAPTER XVII.

Parochial Assessment Act in operation — Commissioners' fourth and fifth Reports: progress and results — Unpopularity of the commission — Its renewal — Early trials of the law — Savings-banks — Friendly Societies — Loan Societies — Education of pauper children — Supplemental Report — Irish Poor Relief Act — Principle of relief — Commercial difficulty and distress — Causes of increased expenditure — Comparison of expenditure and numbers relieved — Property assessed — Task-work — Pauper lunatics — Vaccination Acts — General rules — Amendment Act of 1844 — Medical relief — Failure of potato-crop — Allotment system — High prices — Famine and fever; influx of paupers from Ireland — Labour in the workhouse — Andover committee — Salaries of union officers — Grant towards salaries — Amendment Acts, 1845, 46, and 47 — Mr. Bodkin's Act — Removal of Nuisances Act — Commissioners' letter relative to transaction of business — Improved administration.

IN conformity with the powers given to them by the Parochial Assessment Act,[a] of fixing the time after which all rates for the relief of the poor should be made in the manner therein prescribed, the commissioners named the 29th of September, 1837, for that purpose, and issued the necessary order on the occasion, accompanied by an explanatory letter, pointing out the manner in which the assessments were required to be made, and giving the parish officers all necessary information on the subject. A letter was likewise addressed to the several boards of guardians, furnishing them with advice and instruction upon several points of importance connected with the execution of their duties, or with the duties of their officers. Amended explanations and instructions, with forms of procedure, were likewise issued for regulating the emigration of labourers from over-populous

1837. Parochial Assessment Act brought into operation.

[a] Ante, p. 327.

parishes, and also with regard to the migration of persons from such parishes to the manufacturing districts. The emigration was at first considerable, chiefly to the Canadian provinces, but afterwards in a less degree to Australia. The migration ceased after a time, the general depression in trade having not only put a stop to the demand for additional hands, but caused a stagnation of employment and much distress in the manufacturing districts.

Emigration and migration.

Notwithstanding the difficulties and impediments attendant on the introduction of so comprehensive a measure, the commissioners had proceeded uninterruptedly in the task assigned them; and in their fourth report (dated August 1838) were enabled to state that 584 unions had been formed, comprising 13,560 parishes, having a population of 11,687,456, with an aggregate of rates amounting to 5,515,326*l.*; and that 1,063 parishes still remained ununited, of which 283 were incorporated in twelve unions, and 5 were single parishes under Gilbert's Act; 364 were incorporated, and 11 were single parishes under local Acts, and 400 parishes were left untouched in any way, chiefly through the impracticability of including them in any union, owing to the intersection of Gilbert and local Act incorporations.

1838. Commissioners' fourth Report. Statement of progress and results.

The objections to both the Gilbert Act and the local Act unions are then pointed out, and it is shown that the management in each case is very anomalous, and for the most part at variance with the principles of the amended law. It is the Gilbert incorporations, however, which present the chief impediment to the commissioners' proceedings, their straggling and irregular formation preventing the arrangement of compact and well-formed unions, and thus depriving considerable districts of the benefits of the new law, and keeping them ununited and in a state of uncertainty and disorder. Wherever Gilbert incorporations have been

Gilbert and local Act incorporations.

dissolved, and the parishes which they comprised have been formed into unions under the Amendment Act, the best results have invariably followed; and it is therefore suggested that the commissioners should be empowered to effect such dissolution irrespective of the directors and guardians, who, it is said, can hardly be expected to dissolve voluntarily, their individual interests, in the shape of salaries or in some other way, often interfering to prevent their so doing. The 584 unions which, as above stated, had been formed at the date of the fourth report, had made considerable progress in providing workhouses. In 328 of the number, workhouses were completed, and in operation; and in 141, workhouses were in course of building or alteration, whilst in 42 of the unions the guardians had consented to provide a workhouse, but had not yet commenced building.

1839. Commissioners' fifth Report. Statement of progress and results.

At the date of the fifth report (May 1839), 252 new workhouses had been completed, and 175 old workhouses had been altered and adapted, making together 427 workhouses in operation, and 67 new ones were building, 9 old ones altering, and 37 unions had consented to build, but had not commenced. Such was the progress made at the end of the fifth year, under the commissioners' supervision, for providing the grand essential of workhouse accommodation, without which the law itself would be comparatively ineffective; and if regard be had to the various impediments arising from the cost of the buildings, public clamour, local prejudices, and other obstructions, it will probably be thought that the progress was as great as could reasonably have been expected. There were still, however, 37 unions, in each of which a majority of the guardians resisted the efforts which were made to induce them to provide a workhouse; but time, and further persuasion, and a knowledge of the effects in other unions, would, it was hoped, ere

long remove this impediment to the full and effective working of the law.

The pecuniary results of the first five years' operation of the new law, exhibit a considerable reduction of expenditure, as compared with 1834. The returns show the amount expended for relief of the poor in each of the six years to have been as follows :[b]—

1834	£6,317,255
1835	5,526,418
1836	4,717,630
1837	4,044,741
1838	4,123,604
1839	4,406,907

It thus appears that the expenditure in 1837, at the end of the third year, had reached its minimum, and was then 2,272,514*l.*, or upwards of one-third, less than it had been in 1834. This was, no doubt, an immense reduction, and must be taken as a proof of the efficiency of the new law, and the success with which it had been applied. For the increase which took place in the two following years of 1838 and 1839, there was abundant cause in the high price of food, and the stagnation and distress which universally prevailed; and were it not for the superior power of the new machinery, local as well as central, to resist the pressure certain to occur on such occasions, it is impossible to doubt that the increase would have been far greater. The cost of relief in these two years must not therefore be taken singly, but should be viewed relatively, that is, with what it would have been but for the intervention of the amended law. In other respects, the results of the new system are described in the report as most promising—the sick and infirm poor were better relieved, industry and moral habits encouraged, education of the pauper children properly attended to; and instances of

[b] The results of these returns from 1813 downwards, are given in the Appendix. The expenditure in 1837 proved to be the minimum, and averaged 5*s.* 4½*d.* per head on the population.

improvement under each of these heads are adduced from different parts of the country.

Unpopularity of the commission.

The efforts which were made in bringing about so great a change in so short a time must, no doubt, have been very considerable; and it is impossible to say that they may not in some cases have been greater, more sudden, or more stringent, than what a due regard to antecedent circumstances might perhaps in strictness warrant. At any rate, such was asserted to be the case, and the commissioners and the law itself were denounced, and became unpopular in consequence. Instances of hardship, real or apparent, were caught at, and were described and commented on by the public press as never-failing objects of interest and public sympathy. The commissioners were accused of being heartless tyrants, unfeeling theorists, "concentrated icicles;" [c] and whenever spoken of, were usually designated the "three bashaws of Somerset House." Even their efforts to secure competent relief to the really distressed, were stigmatised as oppressive and unconstitutional; so that, whether they interfered to check a lax and undue expenditure, or to urge a more liberal one, the result was the same—in either case they were held up to the public as objects of suspicion or dislike; and this, it must be observed, not by the poor and more ignorant classes only, but by persons of intelligence and position, who ought to have known better, but who were unfortunately blinded and led away by morbid feelings and exaggerated statements. It would be invidious to particularise or assign motives, and looking at the persons who chiefly distinguished themselves on these occasions, we cannot doubt that in their hostility to the new law and the commission they were actuated by a sincere, however mistaken view of the tendency of the one, and the action of the

[c] So called by a popular member of parliament in addressing his constituents in the borough of Southwark.

other, and that they believed both to be, as they asserted, oppressive to the poor and adverse to the public interest.

The benefits conferred by the central board were, however, generally recognised by the local executives throughout the country. This was shown by the great number of petitions forwarded to parliament by boards of guardians in 1837, 1838, and 1839, on the occasion of the inquiry into the operation of the law, praying that the commission might be continued. Its existence may, indeed, be said to have brought peace to the local administrators, for whatever had the appearance of being harsh, hard, or unpopular in their proceedings, was attributed to the commissioners. The guardians were said to be little more than the organs for carrying out the commissioners' behests. Hence the ill-feeling which used to arise towards the old parochial authorities and the employers of labour, whenever an attempt was made to check the advance of pauperism, and which, as we have seen, led to incendiary burnings and other outrages, never occurred with respect to the boards of guardians constituted under the amended law. Whatever feelings of anger or disappointment existed in any quarter, were concentrated upon the commissioners, who were too distant and unapproachable to be affected by it; and so the law was executed, and the country remained peaceful and orderly under circumstances which might, and probably would under the former state of things, have caused the arraying of one class against another, and led to outrage and the destruction of property.

The commission useful to the local executives.

This was, no doubt, a highly beneficial consequence of the amended system, but it must be regarded as incidental rather than primary. The great object of the legislature in creating the commission was, to secure an effective execution of the law, by the combined action of a central control and a strictly local administration.

The commissioners were empowered to issue orders, and to make regulations of a general nature, with respect to all things connected with the relief of the poor; but they are prohibited from interfering with the ordering of relief in any individual case. This rested exclusively with the board of guardians. The supervision of the commissioners extended over the whole country. The views of the guardians were limited to their own particular union; and hence the necessity for a controlling power to guard the general interest from being compromised, in their dealing with that which is purely local.

The guardians are popularly elected, and represent the great body of ratepayers, with whose opinions they sympathise, and for the management of whose contributions they are responsible. If each board were to make its own rules of procedure, independently of any external control, scarcely any two boards would adopt the same, and there would be as great a diversity of practice under the new system as there was under the old. This diversity is prevented, and a certain uniformity is established, by the exercise of the powers confided to the commissioners; but the local executives are still left to deal with local matters according to local circumstances, their discretion being only limited so far as is necessary for protecting the general interest. Under the old system, the administration was entirely local. Under the new law the administration is divided between the central and the local authorities, and its efficiency depends on the harmonious action of these two powers. The commissioners, in their report on the further amendment of the law in 1839, declare "that they have ever sought to exercise their powers in such a manner as to avoid all unnecessary interference with the boards of guardians and other local authorities, and that they have abstained carefully from doing anything which might extinguish the spirit of local

independence and self-government, which, when guided by enlightened discretion, they consider the characteristic excellence of the English people."

The pressure of unpopularity which was stirred up against the commission, and to which reference has just been made, did not very materially impede its operations or impair its efficiency; but it had, notwithstanding, sufficient influence to prevent for a time its renewal otherwise than from year to year. The commission would, as already stated, expire in 1839, or at the end of the then next session of parliament, and to guard against this, and the confusion which such an expiring of the commission would necessarily occasion, it was successively renewed for a single year in 1839, 1840, and 1841, thus still keeping open the question of its continuance or permanency; and thereby, of course, weakening its influence, and encouraging a disregard of if not direct opposition to its authority. In July 1842, however, the commission was continued for another five years by *The 5th and 6th Victoria, cap.* 57, which for that time, at least, relieved the commissioners from the doubts and probabilities of a sudden termination of their functions, and gave confidence to their subordinates, and a certain reliance on the part of the union executives and the public.

Commission renewed. 1839, 2 and 3 Vic., cap. 83. 1840, 3 and 4 Vic., cap. 42. 1841, 5 Vic., cap. 10. 1842, 5 and 6 Vic., cap. 57.

In reference to the difficulties against which they had to contend, the commissioners remark at the commencement of their fifth report, that in the third year of their proceedings "the new machinery and principles of relief which had been established in the greater part of the country, were tried by a winter of peculiar severity which seriously impeded the labour of the country, and by the extensive prevalence of the influenza which afflicted great numbers of the labouring classes. The fourth year was distinguished by extensive reverses in trade, and severe depression in the manu-

Early trials of the law.

facturing districts, which threw out of employment for a time the greater portion of the labouring population of several manufacturing towns; and this fifth year has been one of scarcity of food, and consequent high prices of provisions." These were trials putting to proof the soundness of the new law, and the sufficiency of its machinery, as well as testing the strength and resources of the country; and happily, both sustained the ordeal. That the law was upheld has been already shown, and that the condition of the labouring classes was not materially depressed or deteriorated by these trying circumstances may, independently of other evidence, be inferred from the fact, that between the 20th of November 1837, and the 20th of November 1838, there had been an increase of more than 50,000 depositors in the savings-banks, and an increase of above 1,800,000*l.* in the amount of deposits as compared with the year preceding, and the increase was greatest in the rural districts. The number of friendly societies, and loan societies, had also considerably increased, as had likewise the purchase of government annuities of small amounts, expressly designed for the industrious classes.[d]

1838. Increase of deposits in savings-banks and friendly and loan societies.

Much attention had from the first been paid to the education of the workhouse children, it being rightly considered that if the lowest class of children were well trained and educated, it would be a sure means of bringing about improvement in the education and training of the classes immediately above them. A considerable portion of the fifth report is devoted to this subject, the commissioners declaring their reliance on "an improved industrial training as the chief available means for reducing the existing burthens, by changing the condition of the great

Education of pauper children.

[d] See Fifth Report of the Poor Law Commissioners, p. 12.

numbers of pauper children, the descendants of former generations of paupers." And the test of such education and training, they consider to be, "the number of the children so trained who are taken into honest and useful industrial courses, and remain in them as good servants or good workmen." This test was successfully worked out and applied in the case of a large school at Norwood, whither several of the metropolitan parishes and unions sent their poor children, to be kept or "farmed" at so much per head. The great number of children maintained in this establishment (upwards of a thousand) afforded facilities for teaching and training them both economically and effectively, in classes or divisions, according to their age and progress; and the system there matured was afterwards adopted in other places, when the number of children was sufficient to admit of its being acted upon.

The subject of education is again referred to in a supplemental report at the end of 1839, where it is stated that there are 42,767 children under the age of sixteen, in 478 workhouses, and that the total number of poor children under sixteen is estimated at 64,570, and between the ages of two and sixteen years 56,835. The importance of securing a good religious, moral, and industrial education for this large number of poor children, is sufficiently obvious, and the commissioners give a detail of the steps taken by them for the purpose. They arrive at the conclusion, however, that as the number of children of both sexes and all ages in a workhouse, rarely exceeds 50 or 60, and sometimes does not amount to more than 20 or 30, so small a number cannot be divided into classes, or instructed in the most advantageous manner; and therefore, that it would be desirable to empower the commissioners to form a combination of unions, for jointly educating the pauper children belonging to them, under a board of management to be elected by the several boards of

guardians so combined. This power was afterwards given, but it has been less acted upon than was anticipated, the difficulties in the way of such combinations for educational purposes being very great. Meantime, however, the workhouse schools have been everywhere much improved, and the instruction imparted in them appears on the whole to be satisfactory, although it is doubtless more costly than if the children were collected into groups of 500 or 1,000, and it is probably also rather less effective.

1839. Supplemental Report.

At the end of 1839, the commissioners, by desire of the government, prepared a supplemental report on the continuance of the commission, and on certain amendments of the law. With respect to the first subject, reference is made to the report of the special Committee of the House of Commons, which in the years 1836, 1837, and 1838, made inquiry into the administration of the Poor-Law Amendment Act, in which report it is declared that the powers of the central board are indispensable to the execution of the law, and that without some such control there would be no security against a recurrence of mismanagement or abuse; and it is further declared that there has been nothing in the manner in which the powers have been exercised, to weaken the reasons which originally led to their being conferred by the legislature. Reliance is also placed on the committee's declaration, that "when the extent of the change, the number of individuals, and the variety of interests affected by it are considered, it is impossible not to feel that the task imposed on the Poor-Law commissioners was one of the utmost difficulty. The arrangements made by them appear generally to have been skilful and judicious, and well adapted to the local peculiarities by which they have been modified; and your committee feel much gratification in stating, that in no instance which has been brought under their notice, do these powers

appear to have been abused."[e] The committee's favourable opinion "of the clear form in which many of the regulations and public documents are issued by the commissioners, as well as of the practice hitherto pursued by them of stating fully in their letters of instruction, and answers to inquiries, the facts and reasonings on which their rules or recommendations are founded," is also quoted. And the resolution finally adopted by the committee is then given, viz. :—"That in the important duties committed to them, the commissioners have evinced zeal, ability, and great discrimination; and the committee recommend the continuance of their power in preference to any system which, by leaving the administration of the Poor-Laws without the control and superintendence of a central board, might cause the recurrence of those abuses which existed in many counties previously to the passing of the Poor-Law Amendment Act."

Testimonials like these, after a searching and protracted inquiry, and the examination of witnesses from all parts of the country, could not fail to be highly gratifying to the friends of the law and commission, and ought to have secured acquiescence in the one, and the permanent continuance of the other. There were other reasons, however, for the continuance of the commission, arising from the fact that it had not completed the task assigned to it. There were still 799 parishes, with a population of 2,055,733, which had not been brought under the amended law, but either stood singly, or were included in some Gilbert or local Act incorporation. Seventy of the Poor-Law unions were moreover still without workhouses, and other unions recently formed required advice and guidance to bring them into a state of efficiency. Regulations had not been prepared for the apprenticing of pauper children,

[e] See Report of the Special Committee of the House of Commons on the Administration of the Poor-Law Amendment Act, 1838.

and the arrangements for their education were yet imperfect. Relief was still laxly administered in many unions, notwithstanding the reduction which had been effected in the general expenditure; and no steps had yet been taken for constituting unions for rating and settlement, under the provisions of the Poor-Law Amendment Act,[f] as the legislature doubtless intended should be done. These were the principal reasons adduced by the commissioners in their supplemental report, for a continuance of their office; but they further state that the commission was originally intended to be permanent, and that the limitation was inserted during the progress of the bill through parliament, for the purpose merely, it is believed, of subjecting the proceedings under it to a revision at the end of five years, and not with an intention that the commission should terminate at that time.

The nature and extent of the business transacted by the commission is then described, and among other things, it is stated, that a large number of questions on points of law connected with the relief of the poor, are submitted to the commissioners and regularly answered by them. Many of these questions are said to be of easy solution, whilst others present considerable difficulty. The opinions and advice given on these occasions were generally acquiesced in, and have contributed very materially towards effecting the reduction which has taken place in Poor-Law litigation since 1834. The amount expended on litigation and removals in that year, was 258,604*l.* In 1839 it was only 64,510*l.* The difference in one year's expenditure therefore on this item alone, more than covers the entire expense of the commission during the first five years of its existence.[g]

Under the former state of things, the commis-

[f] See 4th and 5th William 4th, cap. 76, sections 33 to 37.

[g] The entire cost of the commission from the 18th of August 1834, to the 31st of March 1839 (including 3,613*l.* 17*s.* 7*d.* for Ireland), was 182,679*l.* 11*s.* 1*d.*

sioners remark, upwards of 7,000,000*l.* were annually raised and expended in England and Wales by local functionaries, subject to little or no control or responsibility. Various contrivances for confounding relief with wages were resorted to by the employers, which eventually degraded the labourer into the condition of a serf; and the consequence of this perversion of natural relations was seen in the agrarian disturbances and burnings of 1830 and 1831. Although the amended law had been in operation only five years, these evils no longer existed. Relief in aid of wages was abolished, except in a few unions having as yet no workhouse, where it was still tolerated to a small extent. All the other old pernicious modes of relief, the allowance system, the roundsman system, the labour-rate system, had ceased. That the Poor-Law commission had thus far executed its task, could not be denied; but the habits which were engendered by the above practices could hardly be eradicated in five years, and might revive in all their previous deformity, if the power which put them down were withdrawn. Notwithstanding the cessation of such abuses, it might be feared that the amended system would not be permanently effective without the supervision of the central board, and this appeared to be the view taken by the boards of guardians in their addresses, which for the most part declare or imply that the superintending authority of the commissioners, and the instruction and local aid of the assistant commissioners, are essential to the well-working of the amended law.

I have somewhat overstepped the order of date in the above citations from the supplemental report, and must return to the 31st of July, 1838, on which day *The 1st and 2nd Victoria, cap.* 56, 'For the more effectual Relief of the destitute Poor in Ireland,' received the royal assent. This measure was introduced after long and elaborate

1838. The Irish Poor Relief Act. 1 and 2 Vic., cap. 56.

inquiry, and was discussed in two successive sessions, and its execution was deliberately confided to the commissioners, who had thus the administration of the Poor-Law in Ireland as well as in England placed under their charge. In England, where an organisation for administering the law had long existed, it might perhaps be possible to dispense with such authoritative supervision, but not so in Ireland. There the whole machinery had to be created, and without the commission the Irish Poor Relief Act would be altogether inoperative. That Act was founded on a report by the present author, and its administration was confided to the Poor-Law commissioners for the express purpose of introducing the English amended system of relief into Ireland, and thus to secure a unity of management in both countries. The author proceeded to Ireland for this purpose, taking with him certain of the English assistant commissioners, in order that the experience acquired in one country might be made available in the other. On all these accounts, therefore, the continuance of the commission was absolutely essential as regards the Irish law, and perhaps hardly less so as regards the English. If matters had so continued, it might have been desirable to interweave the proceedings under the Irish Poor-Law with the proceedings in England; but as the Irish law was afterwards in 1847, by the 10*th and* 11*th Victoria, cap.* 90, placed under a separate commission, and was thenceforward separately administered, it will be better to omit them altogether from the present narrative, the Irish Poor-Law, and the proceedings under it, constituting a subject sufficiently extensive and important for a separate description.

1839. Amount of relief, and the number of persons relieved.

The commissioners, in their supplemental report, give a summary of the expenditure for relief of the poor in the five years previous to the passing of the Amendment Act, and also in

the five subsequent years. In the first period, from 1830 to 1834, both years inclusive, the average annual expenditure amounted to 6,754,590*l.*; in the latter period, from 1835 to 1839, both years inclusive, it amounted to 4,567,988*l.*: showing an average annual saving of 2,186,502*l.*; which, for the five years after the passing of the law and the existence of the commission, amounts to an aggregate saving of 10,932,510*l.* The result of this summary, it will be seen, differs little from the comparative statement we have given at page 359.

The number of persons relieved in the workhouses at the end of 1839 is stated to be about 98,000; the number in receipt of out-door relief about 560,000: exhibiting a total receiving relief of 658,000 persons. Both of these numbers are approximations only, the returns not having yet attained exactitude, and both probably fell short of the truth, the latter number more especially. The total number of persons to whom relief was in some shape afforded, was doubtless very considerable. They consisted of the most improvident and the most helpless, and were scattered over the whole surface of the country, so as to render their enumeration difficult and uncertain, unless under a complete system of uniform returns; and this was not yet fully organised and in operation.

That some cases of neglect and hardship should occur under such circumstances, ought not to excite surprise, it being in fact impossible altogether to prevent them; but their occurrence never failed to be made the grounds of charge and accusation against the law and its administrators, and many benevolent and well-intentioned persons were influenced by false statements of cruelty and oppression, to become for a time adverse to the law, and opponents to the renewal of the commission. This hostile feeling was very strong in 1842, when the commission was continued for five years; but

this was not effected without much opposition, notwithstanding that the numerous complaints which had been investigated by the parliamentary committees, nearly all turned out to be without foundation. But for this, and also for the large portion of the public engaged as members of boards of guardians in administering the law, it is far from improbable that the whole measure, including both the law and the commission, might have been so cut down and emasculated, as to destroy its efficiency as a check upon Poor-Law expenditure and the spread of pauperism. It was however seen, that harsh as the law was said by some to be, it yet provided and organized the most extensive system of public relief the world had ever known, and this too in a country where, as compared with other countries, wages were high, and the working classes generally in a state of greater respectability and comfort.

The principle on which this extensive system of relief was administered, under the provisions of the Poor-Law Amendment Act, amounts shortly to this, namely—that whilst the necessitous are adequately relieved, their condition shall be less eligible than that of the independent labourer. If this principle be violated, and the condition of the pauper made equally or more eligible than that of the labourer, the strongest incentive to industry and frugality is destroyed, and the poor-rates would be applied in rewarding idleness and improvidence, instead of relieving unavoidable destitution. Now, out-door relief, whether in money or provisions, given to be spent or consumed at the paupers' own homes, or at their own option, is inconsistent with this principle, not being accompanied by any condition in the nature of a corrective or restraint; and the principle is fulfilled, when the relief is administered in a well-regulated workhouse, where, although there would be a larger amount of bodily comforts than ordinarily fall to the lot of the

The principle on which relief is administered under the amended law.

labouring man, the discipline and restraint to which the inmates must conform counterbalance these advantages, and render the pauper's position the less eligible of the two. This is the workhouse principle, which as respects the able-bodied had, at the period at which we are now arrived, been very generally acted upon; and the commissioners declare their intention of carefully watching the effect on the labouring classes, and if they find that the workhouse regulations are so strict as to deter persons really destitute from entering or applying for relief, they will make the modifications necessary for preventing such a result. But if, on the contrary, they find the workhouses becoming over attractive, they will not shrink from the duty of so strengthening the regulations as to preserve the efficiency of the workhouse principle.

The pressure of commercial difficulties, high prices, and very general and in some cases great distress which commenced in 1838, continued to prevail with more or less severity throughout the five following years, occasioning much hardship and privation to the people, and much anxiety and trial also to the administrators of the Poor-Law; for no inconsiderable portion of the ill-feeling, discontent, and anger which always accompany seasons of distress, was directed against them and against the law.

From 1838 to 1842. A period of commercial difficulty and distress.

We have seen that the unpopularity to which it was exposed caused the commission to be intrusted with only a precarious existence from year to year in 1839, 40, and 41;[h] and although in 1842 it was continued for a period of five years, this was not accomplished without considerable opposition and difficulty. These indications of hostility and distrust, although proceeding from a minority both in parliament and in the country, could hardly fail of lessening the influence and weakening the authority of

[h] See ante, p. 363.

the commission, and causing a less strict and energetic administration of the law. Partly owing to this circumstance, and partly or rather principally to the circumstances of the times, the expenditure for relief of the poor went on progressively increasing after 1837. The amount expended in the

Year ending at Lady-day, 1837, was . .	£4,044,741[1]
In 1838 it was	4,123,604
1839 „	4,406,907
1840 „	4,576,965
1841 „	4,760,929
1842 „	4,911,498
1843 „	5,208,027

Increase of expenditure.

These figures exhibit a large, and, being steadily progressive, it must be admitted, a somewhat alarming increase in the amount of expenditure; and notwithstanding that it was still a million and a half under what it was in 1834, under the old system, the increase might well create misgivings in the friends of the new law, and perhaps a little exultation in its opponents, who of course would deny that they had been at all instrumental in producing the result. The pressure of the times, and the clamour raised against the law and the commission, are however sufficient to account for the increase. There were other causes, it is true, operating in a less degree, as upwards of a million had been added to the population between 1837 and 1843, which might account for some of the increase, and the repayment of the loans obtained for building the workhouses by yearly instalments out of the rates, would account for more. But it is not necessary to dwell upon these minor causes—the two first-named are sufficient to account for the increase of expenditure, as well as for the increase of the numbers relieved, as shown in the next page.

Causes of the increase.

[1] This is the parochial year, extending from Lady-day to Lady-day 1836-7, and therefore including three-quarters of the first year and one quarter of the last. It is necessary always to bear this in mind in connexion with the Poor Law expenditure in any year.

I have approximately given the numbers relieved at the end of 1839, probably much under the truth, as

	In-door Poor.	Out-door.	Total.
Amounting to	98,000	560,000	658,000
At Lady-day, 1840, the numbers were better ascertained, and then amounted to	169,232	1,030,297	1,199,529
Ditto 1841	192,106	1,106,942	1,299,048
Ditto 1842	222,642	1,204,545	1,427,187
Ditto 1843	238,560	1,300,930	1,539,490

The cost of maintaining the in-door poor, and of relieving the out-door poor in these years, was as follows :—

	£.	Average amount per head. £. s. d.
1840, in maintenance	808,151	4 15 5¼
1841 ditto	890,883	4 12 9
1842 ditto	934,158	4 3 11
1843 ditto	958,057	4 0 3¾
1840, out-relief	2,931,263	2 16 10
1841 ditto	2,995,330	2 14 1¼
1842 ditto	3,090,884	2 11 3¾
1843 ditto	3,321,508	2 11 0¾

1839 to 1843. Comparison of expenditure, and the numbers relieved.

It thus appears that the numbers relieved, and the total cost of relief, about corresponded with each other, as was indeed to be expected; and it is worthy of remark, that the average cost per head of the in-door poor decreased as the numbers increased, whilst the average cost per head of the out-door poor remained nearly stationary—the numbers constituting the basis of the average in each case, being assumed to be receiving relief throughout the entire year. But the most remarkable circumstance in the above statements is the small number of persons relieved in the workhouse, compared with the number relieved out of it; clearly showing that it had not been very strenuously resorted to or applied as a test of destitution. Yet the commissioners in their ninth report (1843) declare, that their confidence in the workhouse test as a means of affording relief, at once least open to abuse and easiest of application, has been increased by the experience of the last winter; and that although they had

been compelled to resort on some occasions to an out-door labour test, it was only supplemental and subsidiary to that of the workhouse.

In connexion with the above statements of the numbers relieved, and the amount of relief afforded at different periods, it may be convenient to insert the result of information obtained from parliamentary papers, and a return which was made of real property in 1842, showing the proportionate amounts levied on different kinds of property assessed to the poor-rates. The statement is given in the commissioners' ninth report, for each of the years 1826, 1833, and 1841, and is in substance as follows:—

		Proportion per cent.
1826—Amount levied on land . .	£4,795,482	69
Ditto on houses	1,814,228	26
Ditto on all other property .	356,447	5
	6,966,157	100
1833—Amount levied on land . .	5,434,890	63
Ditto on houses	2,635,258	31
Ditto on all other property .	536,353	6
	8,606,501	100
1841—Amount levied on land . .	3,316,593	52
Ditto on houses	2,375,221	37
Ditto on all other property .	660,014	11
	£6,351,828	100

Amount of property assessed, &c.

From this statement it appears that the proportion of the rates levied on landed property, which in 1826 was 69 per cent. of the entire amount raised, was in 1841 no more than 52 per cent. of that amount; whilst the rate on houses, which in 1826 yielded 26 per cent. of the total money raised, in 1841 yielded 37 per cent. of that amount; and the aggregate of levies from other property was in the same period very nearly doubled. We thus see that the burthens on land proportionally decreased, as wealth and population increased.

In 1826 the population was about thirteen millions, in 1841 the population amounted very nearly to sixteen millions. In 1815 the annual value of real property assessed to the property-tax in England and Wales amounted to 51,898,423*l.*, in 1843 it amounted to 85,802,735*l.* The annual value of property assessed to the poor-rates in 1841 was 62,540,030*l.*, in 1847 it was 67,320,587*l.*, and in 1850 it was 67,700,153*l.* These are all unmistakeable indications of progress, and give assurance that, although the public burthens of whatever nature may not be lessened in actual amount, they are lessened relatively, and will continue to be so as improvement advances, and the fund from which they are raised becomes enlarged. If we compare the poor-rate valuations of 1841 and 1847 with the property-tax valuation of 1843, it will be seen how greatly the former are below the mark, the amount (taking the average of the two years) being 20,872,427*l.* under, or nearly one-fourth less than the valuation for the property-tax, which however can hardly be supposed to have been in excess of the real value.

It has been already stated that in 1842 the commission was continued for another five years, that is, "until the 31st of July, 1847, and the end of the then next session of parliament." This was effected by *The 5th and 6th Victoria, cap.* 57, by which Act also the assistant commissioners are limited to nine, the number originally prescribed by the Poor Law Amendment Act; but the commissioners are empowered, with consent of the Treasury and the approval of a secretary of state, to appoint one or more in addition to this number for the purpose of conducting any special inquiry.

1842. 5 and 6 Vic., cap. 57.

The *5th section* of the Act enables guardians (subject to the powers of the commissioners), "to prescribe a task of work to be done by any person relieved in any

workhouse, in return for food and lodging afforded to such person;" but no person is to be detained against his will for the performance of such work, longer than four hours after breakfast on the morning succeeding his admission. And if, while in the workhouse, any such person "refuse or neglect to perform such task of work suited to his age, strength, and capacity, or wilfully destroy or injure his own clothes, or damage any of the property of the board of guardians," he is to be deemed an idle and disorderly person within the meaning of the *5th George 4th, cap.* 83.[k] This very useful provision enabled the guardians to deal with those persons who were in the habit of moving about from one union to another, avowedly in search of work, but really following idle and disorderly courses.

Guardians may prescribe a task of work in return for relief.

By the *6th section* it is enacted, that boards of guardians and their relieving officers "shall have the like powers as overseers with respect to insane persons, under the provisions of *9th George 4th, cap.* 40."[m] The effect of this enactment was to enable the commissioners to obtain correct returns, and to institute effective inquiries with respect to pauper lunatics; and as the guardians were now empowered to take the necessary steps for sending a lunatic to an asylum, a circular was addressed to them urging the importance of their suffering no motive of mere economy to deter them from doing so as early as possible, in order that the patient might receive proper treatment, and thereby have the best chance of recovery. In August, 1843, it appears that there were 13,615 lunatic paupers chargeable in England, of whom 3,489 were in county asylums, and 2,257 in licensed houses; of the remainder 3,973 were in the union workhouses, and 3,896 with their friends or elsewhere. In Wales the

Pauper lunatics.

[k] Ante, p. 208. [m] Ante, p. 212.

total number chargeable was 1,177, of whom only 36 were in county asylums, and 41 in licensed houses, whilst 90 were in union workhouses, and 1,010 were supported elsewhere. The commissioners recommend the providing of one lunatic asylum for North, and another for South Wales, which the justices are by the *9th George 4th, cap.* 40, empowered to effect.[n]

The *7th section* enacts, "that whenever the whole of any parish or parishes is situated at a greater distance than four miles from the place of meeting of the board of guardians of the union of which they form part," the commissioners may, on application, "form such parish or parishes into a district, and direct the guardians from time to time to appoint a committee of their members to receive applications of poor persons requiring relief in such district, to examine into the cases of such poor persons, and to report to the guardians thereon." This provision was found of some convenience in a few unions at the northern extremity of the kingdom, but it was rarely acted upon; and although not open to much objection on point of principle, was, it must be confessed, likely to occasion irregularity, and perhaps abuse.

The *5th and 6th Victoria, c.* 57, contains other provisions, but only the above require to be here noticed. As originally framed it was much more extensive, and embodied nearly all the recommendations in the report of the select committee on the Poor-Law Amendment Act in 1838, together with other matters; but the progress of the bill had been delayed by opposition and various causes until near the close of the session, and it was then found necessary, in order to secure the passing of the first portion, which provides for the continuance of the commission, to withdraw the remainder, which however

[n] See Tenth Report of the Poor Law Commissioners, p. 31.

the government promised should be again brought forward at an early period.

Unions without workhouses, and parishes ununited.

In 1841, seven years after the passing of the Amendment Act, there were still 33 unions unprovided with a workhouse, 17 of the number being in Wales, and the other 16 chiefly in Cornwall, Yorkshire, and Lancashire. There were likewise 776 parishes still exempt from the provisions of the Amendment Act; 229 of these being placed under local Acts, 288 under Gilbert's Act, and 259 ununited in any way, being for the most part so kept by the intervention of Gilbert incorporations. These obstructions to the universal application of the amended law, were a constant source of embarrassment; and their maintenance in despite of the 5th resolution of the select committee of 1838, recommending that the Poor-Law commissioners should be empowered to dissolve such incorporations, has continued to be a matter of surprise and regret to all, except to the persons who are themselves immediately connected with them.

1840, 3 and 4 Vic., cap. 29; and 1841, 4 and 5 Vic., cap. 32. Vaccination.

Two Acts were about this time passed for extending the practice of vaccination, a notice of which must not be omitted in connexion with the Poor-Law, the organising and regulation of the measure having been devolved upon the commissioners, and the carrying it into operation being intrusted to the local Poor-Law functionaries. By these Acts (*The 3rd and 4th Victoria, cap.* 29, and *The 4th and 5th Victoria, cap.* 32) the guardians of unions, and the overseers of parishes not in union, are directed to contract with one or more legally qualified medical practitioners, "for the vaccination of all persons resident in such unions or parishes respectively." But it is to be a condition of every such contract, that the amount of remuneration "shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioners

respectively." And it is further directed that in making the necessary arrangements for executing this Act, the guardians and overseers, and all others engaged in administering the laws for relief of the poor, "shall conform to the regulations which may from time to time be issued by the Poor-Law commissioners in that behalf." The *8th section* of the former Act provides, that any person who shall "produce or attempt to produce by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever, produce the disease of smallpox in any person in England, Wales, or Ireland, shall be liable to be proceeded against and convicted summarily before any two or more justices in petty sessions, and upon conviction be imprisoned for any term not exceeding one month." The last Act directs that the expenses of vaccination shall be defrayed out of the poor-rates, and that the vaccination, or medical assistance incidental thereto, shall not be considered as relief, nor deprive any one of any right or privilege, nor subject him to any disability or disqualification whatsoever.

This interference with the personal rights and responsibilities of individuals in the matter of vaccination, was perfectly justifiable under the circumstances. The small-pox had been making great ravages, and although the remedy of vaccination may be said to have been generally within the people's own reach, they failed through indolence, ignorance, or prejudice to make use of it, and often resorted to inoculation instead; and thus a virulent and most fatal disease was kept in action and perpetuated, to the serious injury of the community. To prohibit inoculation, and provide for the vaccination of all persons at the public charge, was the only remedy for this evil; but in order that the remedy might be effective, it was necessary that its

application should be placed in proper hands. The Poor-Law authorities were selected for this purpose, and it undoubtedly fell within their proper line of duty, as a means of preventing distress and destitution, the common attendants on the breaking out of small-pox among the working classes. No pains were spared in making the necessary arrangements, and in completing the requisite organisation for an effective working of the Act; and the superintendence of the measure in all its details, for which the commissioners were held responsible, added considerably to their labours.[o]

1842. The orders and regulations consolidated and issued as general rules.

The Poor-Law commissioners are empowered to issue orders and regulations for the several purposes contemplated by the Amendment Act, which '*Orders*' come into force at the end of fourteen days. The commissioners are likewise empowered to issue '*General Rules*,' that is, any rule addressed to more than one union, parish, or place; but in such case the rule is not to come into operation until forty days after a copy thereof has been laid before a secretary of state, nor then if the queen in council shall disallow the same. The commissioners were therefore compelled in the early part of their proceedings, when prompt action was necessary, to issue their orders separately to each union as it was formed, and became ready for the reception of the several '*Orders*' regulating relief, and other matters of detail. But when the whole country (with the exceptions just before noticed[p]) had been brought under the operation of the Amendment Law, it was deemed right to place the whole of what had been done by

[o] It is estimated that in 1842 the number of children vaccinated was 378,331; and that in 1843 the number was 183,074. The payments for vaccination amounted in—1841 to £10,171
1842 to 33,104
1843 to 16,019

[p] See p. 380.

separate and less formal '*Orders*' under a comprehensive system of '*General Rules*,' for which purpose, in the course of 1842, the separate orders were repealed, and after being revised and amended, and put into a complete, uniform, and more effective state, were reissued as 'General Rules.'

The distress which commenced in 1838, continued throughout the whole of 1842, in which year, however, the harvest proved to be good, and in 1843 prices fell, and trade became more active, and the people were better employed. In 1844 there was a still further improvement, and the demand for labour both in the manufacturing and agricultural parts of the country continued to increase. The winter had moreover been unusually mild, which was favourable for out-door operations; so that the prohibition of relief to the able-bodied out of the workhouse was generally observed, and the increase in the expenditure which, commencing with 1838, had since been steadily progressive, was now arrested, and the Poor-Law authorities were again enabled to show a reduction, and thus to prove the elasticity of the system they had to administer.

1843–44. Expenditure reduced.

In conformity with the pledge given by government in 1842,[q] 'An Act for the further Amendment of the Laws relating to the Poor in England,' was introduced in 1844. This Act (*The 7th and 8th Victoria, cap.* 101) provides for giving effect to the recommendations of the parliamentary committee of 1838, together with certain other amendments which experience had shown to be necessary. It received the royal assent on the 9th of August, 1844.

1844. 7 and 8 Vic., cap. 101.

The first eleven sections of this Act are devoted to enacting a new law of bastardy, by which the affiliation of bastard children is disconnected

Bastardy.

[q] See ante, p. 380.

from the laws for the relief of the poor, and parish and union officers are prohibited from taking any part in the proceeding.[r] The mother of a bastard is now the party by whom redress is to be sought from the putative father, and to whom indemnity is to be awarded for maintaining the child. The mother is punishable for neglect or desertion of her bastard child; but in case of her death or incapacity, the putative father may be proceeded against, if the child becomes chargeable; and by the 8*th section* it is enacted that if any parish or union officer shall "endeavour to induce any person to contract a marriage by threat or promise respecting any application to be made, or any order to be enforced, with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanour."

Apprenticing poor children.

The 12*th section* of the Act empowers the Poor-Law commissioners, by order under their hands and seal, to prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures; and every master wilfully refusing or neglecting to fulfil such conditions, is made liable on conviction to forfeit a sum not exceeding twenty pounds. The poor children are moreover no longer to be apprenticed by the overseers, but by the respective boards of guardians, and the assent of a justice of peace to the binding is therefore dispensed with. Compulsory apprenticeship in any form is abolished, and none of these provisions are to interfere "directly or indirectly" with apprenticing to the sea-service.

Doubts had existed as to the powers of the commissioners under the 61*st section* of the Poor Law Amendment Act with respect to apprentices, and no steps had hitherto been taken in consequence. But the present

[r] This change in the law with respect to bastardy, accords with the recommendations made in the Report of the Special Committee of Parliament in 1838.

Act gives the commissioners authority to prescribe the duties of the masters, as well as the terms and conditions of the indentures; and an elaborate order was accordingly framed, directing, among other things, that no child be bound apprentice under the age of nine years, or who could not read, and write his own name; nor be bound to any person who was not a housekeeper, or carrying on business on his own account. No premium was to be paid with an apprentice, "unless he be maimed, deformed, or suffering from some permanent infirmity," and then partly in clothes and partly in money. No one above fourteen years of age was to be bound without his consent, and none for more than eight years. The duty of the master with respect to the health, maintenance, clothing, and moral and religious instruction of the apprentice is minutely prescribed, and every care is taken for his well-being, present and future, as far as depends on authoritative regulation. The commissioners declare, however, that they are not favourable to the apprenticing of parish poor children, which they would not regret to find diminished by the regulations they had imposed; and they are of opinion that a better education and industrial training of the children, would more than compensate for any supposed advantage arising from the practice of such apprenticeship.

By the 14*th section*, and the ten following ones, certain alterations are made in the mode of voting for guardians, and the qualifications for the office; and the commissioners are empowered, having regard to population and other circumstances, to alter the number of guardians to be elected by any parish, and also to divide parishes into wards for the election of guardians.* The commissioners are likewise

Election of guardians.

* These provisions are in accordance with the 10th and 12th recommendations in the Report of the Parliamentary Committee of 1838.

empowered by the 32*nd section*, to combine unions and parishes "into districts for the audit of accounts,[t] and from time to time to add any parish or union to any such district, or separate any parish or union therefrom;" and the auditors appointed for such districts are to have full powers to examine, audit, allow, and disallow all accounts and items therein, relating to moneys raised for relief of the poor within their respective districts, "and to charge in every account so audited the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which such person is accountable, but not brought by him into account; and to certify on the face of every account audited by him, any money, books, deeds, papers, goods, or chattels, found by him to be due from any person, and report the same to the commissioners." This was a great improvement upon the former practice, when each board of guardians appointed its own auditor, and the audit was in consequence little more than nominal. It would perhaps have been still better if the appointment of auditors had been vested in the commissioners, instead of being given to the chairmen and vice-chairmen of the combined boards of guardians; but as these are usually persons of experience and influence in the district, the auditor of their selection is likely to be efficient, and to have the confidence of the public.

Audit districts.

The select committee of 1838, in their 11th resolution, recommended "that the commissioners be empowered, with the consent of the guardians, to combine parishes or unions for the support and management of district schools, and to regulate the distribution of the expenses of such establishments." Accordingly the 40*th section* of the present Act gives the commissioners the power to form school districts

District schools.

[t] See the previous note *s*, page 385.

"for the management of any class or classes of infant poor not above the age of sixteen years, who are orphans or deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district." It is moreover provided, that no part of the district should be distant more than fifteen miles from any other part, and that the expense be limited to one fifth of the annual expenditure for relief of the poor on the average of three years preceding.[u]

The 41*st section* declares it to be "expedient that more effectual means should be provided for the temporary relief of poor persons found destitute and without lodging" in the metropolis, and the great towns of Liverpool, Manchester, Bristol, Leeds, and Birmingham, and empowers the commissioners to combine parishes and unions into districts for the purpose. The fourteen following sections are devoted to providing the necessary machinery for working the measure in connexion with these districts, which was however found to be surrounded by so many difficulties, and to be so pregnant with the danger of increasing the evil which it was meant to remedy, that it was never brought into operation, and need not therefore be further noticed.

The 56*th section* enacts that the workhouse and the district school shall, for purposes of relief, settlement, removal, and burial, be considered as situated in the parish to which each poor person is or has been respectively chargeable. The two following sections provide for the punishment of offenders in workhouses; and the 59*th section* specifies the costs which any board of guardians may lawfully pay for the apprehension and prosecution of any person who, according to the laws in force at the time,

The law expenses which may be legally defrayed out of the poor-rates.

[u] These limitations were repealed in 1848 by *The* 11*th and* 12*th Victoria, cap.* 82.

is chargeable with refusing or neglecting to maintain himself or his family, or running away and leaving his family chargeable, or wilfully disobeying the rules and regulations of the Poor-Law commissioners, or with any offence or misbehaviour in a workhouse, or running away from and carrying away clothes, linen, or other things belonging to any workhouse, or disobedience of the lawful orders of justices or guardians, or obstructing or assaulting any officer engaged in administering the laws for relief of the poor, or fraudulently obtaining, wasting, injuring, or misapplying any property connected with the relief of the poor, or with any offence directly affecting the administration thereof; and likewise "the reasonable cost of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor, for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any poor person;" and (subject to the commissioners' approval) the costs of all legal proceedings taken by any auditor, or under his directions, or by any other person whom the board of guardians may authorise for the protection of any parish, union, or district; and to the extent to which any such costs are not repaid by the offending or other parties, the guardians may, "having regard to the circumstances of the case, and with the approval of the Poor-Law commissioners, charge such expenses to the common fund of the union, or to any parish or parishes comprised therein."

Paid collectors to be appointed.

The 61*st section* enables collectors to be appointed to perform the duties of overseers; and by the 62*nd section* the commissioners are empowered, on application by a board of guardians of any parish or union, to direct the appointment of a paid collector of the poor-rates; and thereupon all powers of the inhabitants in vestry, or of justices of peace, or persons other than the board of guardians, to make such ap-

pointment, and all appointments made under such powers, are to cease. The committee of parliament recommended that the office of collector of the rates and assistant-overseer should be united;[v] and the commissioners, in their eleventh report, state that "although this portion of the administration of the Poor-Laws is still encumbered with some difficulties, they entertain a confident hope that there will gradually be established a degree of regularity and responsibility on the part of those officers such as has not hitherto existed," and such, it may be added, as it was impossible to establish whilst the two offices were held entirely separate and distinct.

Exemption of parishes containing 20,000 inhabitants from being united for the purposes of relief or the audit of accounts.

By the *64th and 65th sections* it is provided that parishes under local Acts, and having a population exceeding 20,000, shall not be united with any other parish without the consent of two-thirds of the guardians, and that where such parishes shall have adopted the provisions of Hobhouse's Act (*1st and 2nd William 4th, cap.* 60),[x] and likewise when any two or more of the metropolitan parishes, containing together a population exceeding 20,000, are united for the purposes of rating or settlement under a local Act, and are not comprised in any union, such parish or such two or more parishes are not to be included in any district for the auditing of accounts. These exemptions from the operation of the general law, were conceded to the representations of the metropolitan members and their constituents, who were naturally enough adverse to the introduction of a new power into affairs which they had long been accustomed to manage entirely themselves.

It was a recommendation of the select committee on

[v] See the 9th Resolution of the Select Committee on the Poor Law Amendment Act, as given in their Report of 1838.

[x] Ante, p. 217.

the Poor-Laws, in 1838, that the commissioners should have power to dissolve existing incorporations without the consent of the guardians, and likewise to add parishes to unions and to take parishes from unions without such consent. The first of these recommendations has hitherto failed of being accomplished, but the latter is carried into effect by the 66*th section* of the present Act, which enables the commissioners to add to any union, or to take parishes from it, "without the concurrence of the guardians of such union respectively in such separation or addition;" and the commissioners may further, if they see fit, "cause a board of guardians to be elected for any single parish separated from any union, notwithstanding the provisions of any local Act in force in such parish." This was a useful provision, enabling the commissioners to correct any errors, oversights, and imperfect combinations that might have occurred in the formation of the earlier unions, and possibly also in some of the latter. There is a useful provision likewise in the 68*th section*, enabling any clerk or other officer of a board of guardians, "if duly empowered by such board, to make or resist any application, claim, or complaint, or to take or conduct any proceedings on behalf of such board, before any justices at petty or special sessions, or out of sessions, although such clerk or officer be not an attorney or solicitor." The Act contains several other provisions, but the above are all that require to be here noticed.

The commissioners may add parishes to, and take parishes from, unions without consent of the guardians.

This is certainly an important statute, both in its extent and matter; and taken as a whole, may be said to deserve the designation it received of a 'Second Amendment Act.' It was immediately communicated to the several boards of guardians and other Poor-Law authorities, together with a full and carefully prepared circular, in which the commissioners explained its various provisions, and pointed out the steps to be

taken for carrying them into effect in the best manner.

The question of medical relief, or providing proper medical attendance for the sick poor, had from the commencement been beset with difficulties. Medical relief. The medical men declared that the power of regulating salaries and prescribing duties conferred upon the commissioners by the 46*th section* of the Poor-Law Amendment Act, were exercised to the prejudice of the medical profession, not only by subjecting medical officers to the uncertainties of competition, but also by cutting down their salaries and depriving them of a fair remuneration. The boards of guardians, by whom the appointments were made, complained, on the contrary, that the commissioners compelled them to pay higher salaries than they could get the duty executed for if left to themselves, and likewise of being compelled to appoint a greater number of medical officers than they otherwise would do. Between these opposites the commissioners had to pursue a medium course: their first object being to secure an efficient attendance on the sick poor, and next to provide that there should be no just cause for complaint by the medical profession, and lastly, that the guardians should not be put to any undue or unnecessary charge for medical relief. That the two latter conditions were to a reasonable extent fulfilled, may be inferred from the fact that each of the parties complained of the other being unduly favoured; whilst it is quite certain that the sick poor were better attended to than they previously had been, and that more money was paid for this attendance, the cost of medical relief in 1838 being only 136,775*l.*, whilst in 1845 it amounted to 174,330*l.*, independently of 26,000*l.* paid for vaccination fees in the latter year.

The course of our narrative has now brought us down to the year 1845, in the autumn of which year commenced a period of considerable pressure in England, and of

intense privation and suffering in Ireland, through the general failure of the potato-crop. The spring of 1845 had been cold and ungenial, and was followed by an unusually wet summer and autumn, owing to which the corn-crops were defective both in quantity and quality, not only in this country but throughout Europe. The chief injury, however, fell on the potatoes, which in many places were destroyed by a disease that has been since known as the "potato-rot," and everywhere they were more or less affected by it. This disease had appeared in America a year or two before, and in 1845 and 1846 it spread with the utmost virulence throughout Ireland, bringing famine and fever in its train. In England it prevailed in a less degree, but still to an extent that caused much alarm, its origin and duration being alike involved in mystery, and its existence causing loss and disappointment to many, and to some the calamity of actual want. This was more particularly the case wherever the potato entered largely into the food of the people, and especially where its cultivation by means of allotments, or in any other way, became an element in adjusting the wages of labour. In such cases, the failure of his potato-crop was equivalent to a large abstraction from the labourer's wages, and suddenly reduced him from a position of independence and comparative comfort to one of positive want and privation. This is not stated as an argument against the system of allotments, when kept within proper limits; neither does it apply to the plot of garden attached to the labourer's cottage, for the purpose of raising vegetables for his family, and affording to them and himself useful occupation at times which might else be worse employed. The objection involved in the statement, applies only to cases in which the allotments are of such extent as to interfere with the money-rate of wages, or to cause the labourer to rely upon the

1845-46. Failure of the potato-crop.

The allotment system.

produce of his allotment, instead of upon the steady application of hired labour, as a means of support.

1846-47. High price of provisions.

The potato-crop was in England a very general and in Ireland almost a total failure, in 1846; and notwithstanding the large importations from America and elsewhere, a great rise in the prices of corn, and of provisions generally, took place in consequence. Wheat, which on an average of six weeks ending on the 3rd of April, 1846, as declared in the 'Gazette,' was 54*s.* 11*d.* a quarter, on a similar average in 1847 was 75*s.* 6*d.* a quarter, and other grain advanced in like proportion. The price of potatoes was more than doubled, and butchers' meat was considerably higher than it had been previously. The winter of 1846-7 was moreover extremely cold, and this circumstance, added to the privations necessarily entailed upon the poorer classes through the increased prices of food, must have greatly augmented their sufferings. The workhouses in many of the unions were filled, and the out-door labour test was resorted to with the approbation of the commissioners, subject to the regulations provided for such occasions.

1846-47. Famine and fever, and influx of destitute persons from Ireland.

The severity of the distress in Ireland, caused a large influx of persons in a state of extreme destitution from that country into England. All the towns on the western coast were heavily burthened with them; and at Liverpool, the port in most extensive communication with Dublin and the rest of Ireland, the number of such immigrants between the 13th of January and the 20th of April, 1846, amounted to 133,069. Such a visitation necessarily brought a great charge upon the Poor-Law functionaries of Liverpool, upwards of 10,000 of these poor Irish having been relieved daily for a long period. There was, moreover, great danger that the fever, under which some of these poor people were labouring at the time of their arrival, and which was frequently

breaking out in the crowded dwellings where they congregated, might spread and attack the other inhabitants. The Liverpool authorities, however, proved themselves equal to the emergency, and resolutely performed all that the law directed, and all that humanity required. The same may be said with respect to the metropolis, and other places whither the Irish fled from the famine and pestilence which prevailed in their own unhappy country. Their distress was urgent, their sufferings great, and to afford all possible relief was throughout England felt to be an imperative duty, and it was nobly fulfilled.

Labour in the workhouse.

The kind of labour in which the inmates of the several workhouses should be employed, rested entirely with the boards of guardians, who best knew the wants habits and facilities of their several districts. In some workhouses, stone-breaking or oakum-picking was adopted; in others, particularly in the western and southern counties, the crushing or breaking of bones was resorted to as an eligible means of employing the able-bodied inmates, it interfering very little, if at all, with the labour-market, and the bones when broken being useful as manure. There was however no order or direction by the commissioners on the subject, the mode of employment being in every case at the discretion of the guardians.

Bone-breaking at Andover.

Bone-breaking had thus for a considerable time been practised in the Andover union, without occasioning any complaint; but in 1845 a great sensation was created, in consequence of the disgustingly voracious habits of two of the male inmates; and an appeal was made to parliament on the ground that the diet of the workhouse was insufficient, and that hunger, and not the depraved appetites of the men, had been the cause of what had occurred; notwithstanding the declaration of one of them that he preferred the putrid marrow obtained from these bones to anything else.

Considerable discussion took place on the subject, and under the excitement of the moment, bone-breaking was strongly denounced both in parliament and by the public press, as being an improper employment for the inmates of workhouses; and the commissioners, yielding to the pressure thus created, issued an order prohibiting the practice in future. From this order, it is stated in their twelfth report that "one of the commissioners dissented, and recorded his dissent upon the minutes according to the provision of the Poor-Law Amendment Act." The author has seen no reason to regret his having dissented from his colleagues on that occasion, being satisfied that bone-breaking is a perfectly eligible mode of employment for the able-bodied male inmates of a workhouse, and that an order prohibiting it ought not to have been issued, whatever clamour or pressure there might be at the moment; and in this view he is confirmed by the remonstrances which were forwarded from nearly all the unions where the practice had prevailed, immediately after the appearance of the order, deprecating its enforcement, and pointing out the advantages of the practice, and the impossibility of substituting any mode of employment equally eligible, or in some cases any other employment whatever. Bone-breaking had been the employment introduced by the author himself into the Southwell workhouse five-and-twenty years previously, and he knew of no sufficient ground for changing his opinion with respect to it. He advocated the practice in his examination by the Andover committee, before whom, at his own instance, the record of his dissent was produced; but the clamour which had been raised, and the exaggerations which were resorted to, overpowered whatever could be said in its favour, and the probibition of bone-breaking in workhouses still continues in force.

1846. The Andover committee.

Early in the following year (1846), a committee of the House of Commons was appointed to inquire into the Andover case, which had grown to be

one of no ordinary interest. Numerous witnesses were examined, primarily with reference to bone-breaking, but eventually extending to every part of Poor-Law administration; and whatsoever could be shown to be wrong in any way, however originating, or whatever might be the mitigating circumstances connected with it, was brought in charge against the commissioners, who under such continual assailment almost necessarily became every day more unpopular, thus preparing the way for the change in the constitution of the commission which not long afterwards was determined on, and which took place in 1848.

Salaries of union officers.

In the twelfth report of the Poor-Law commissioners, dated in May 1846, the number of paid officers of each class employed in the 591 unions[y] existing at that time is stated to have been 8,290, and the amount paid to them in fixed salaries was 419,901*l.*

Grant towards the salaries of schoolmasters and schoolmistresses, and auditors and medical officers.

In connexion with this statement, it may here be mentioned, that in the session of 1846 a grant of 61,500*l.* was voted for payment of half the salaries of medical officers, and the whole of the salaries of district auditors and the workhouse schoolmasters and schoolmistresses, for the half-year ending at Lady-day 1847. In announcing this grant to the several boards of guardians, the commissioners informed them that the object of its being made was "to contribute to an improvement in the character of the workhouse schools, and in the supply of medical relief to the poor;" and the assistant commissioners were directed to report specially on the state of the unions under their charge with respect to each of these objects. It was afterwards determined to appoint separate inspectors of workhouse schools, under the control of the Committee of Council for Education, who would examine the teachers, and ascertain

[y] In 1852 the number of unions had increased to 608. This was in consequence of the breaking up of certain Gilbert incorporations, the parishes included in which, together with others entangled with them, were, as soon as they were set free, formed into compact and convenient Poor-Law unions.

their qualifications; and after allowing a suitable time for preparation and improvement, none but those who prove themselves properly qualified were to be permitted to participate in the grant. This was no doubt an important measure as regards the schoolmasters and schoolmistresses, and it was eventually the means of effecting great improvement in the workhouse schools; but with respect to the medical officers and the auditors, neither the reasons for making the grant, nor the benefits resulting from it, are equally apparent.

Four Acts were passed about this time, which it will be convenient here to notice. *The 8th and 9th Victoria, cap.* 10, provides for remedying certain defects in the previous statute of the *7th and 8th Victoria, cap.* 101, in regard to proceedings in cases of bastardy. *The 8th and 9th Victoria, cap.* 117, provides for the "removal of poor persons born in Scotland, Ireland, the islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England;" and *The 10th and 11th Victoria, cap.* 33, enacts certain amendments of the same. *The 8th and 9th Victoria, cap.* 126,[z] amends the laws relating to lunatic asylums, and the care of pauper lunatics; and directs that the clerks of boards of guardians shall make annual returns of pauper lunatics; and that medical officers shall give notice to the relieving officer of the union, or the overseer of the parish, as the case may be, of any pauper whom they deem to be lunatic; and the relieving officer or the overseer is, within three days after receiving such notice, to make the same known to some justice of peace, before whom the supposed lunatic is to be brought; and if upon examination, with the assistance of a medical man, the justice shall be satisfied that the person is really a lunatic, idiot, or of

1845. 8 and 9 Vic., cap. 10; 8 and 9 Vic., cap. 117; 8 and 9 Vic., cap. 126.[z] 1847. 10 & 11 Vic., cap. 33.

[z] This Act was repealed in 1853, and various amendments and additions made to the law with respect to lunatic, idiotic, and insane paupers, by *The 16th and 17th Victoria, cap.* 97.

unsound mind, he is by order under his hand to direct such person to be received into the county or borough asylum, or "into some house duly licensed, or some hospital registered for the reception of lunatics." Wandering lunatics, or lunatics not under proper care, are required to be apprehended and taken before a justice to be dealt with as the Act directs.[a]

1846. 9 and 10 Vic., cap. 66.

Another Act of much importance, and requiring to be particularly noticed, was also passed at this time. The evils of settlement, and the great hardships inflicted by removals, were continually becoming more and more apparent, and the necessity for some remedy was more generally admitted. *The 9th and 10th Victoria, cap.* 66, was accordingly introduced, and after lengthened debates (a change of government having taken place pending its progress through parliament) it at length passed, having the rare fortune of being begun by one administration and finished by another. It is entitled 'An Act to amend the Laws relating to the Removal of the Poor;' but the conditions of settlement are not altered by it. It merely directs that henceforth "no person shall be removed, nor shall any warrant be granted for the removal of any person, from any parish in which such person shall have resided for five years." The person however must not within the five years have received relief from the parish, or in an hospital, or in a lunatic asylum; it is only an independent residence that confers the privilege of irremovability. The Act moreover provides, that no widow shall be removed for twelve months after the death of her husband; and persons relieved on account of sickness or accident are not to be removed, "unless the justices granting the warrant shall state thereon that they are satisfied that the sickness or accident will produce permanent dis-

[a] See note z, last page.

ability." The passing of this Act brought suddenly a new burthen upon many town parishes, in which the poor persons now rendered irremovable had become resident, but were still in some cases receiving, and in every case were entitled to receive, relief from the parishes of their settlement. This relief, after the passing of the present Act, was refused or withdrawn, and the parish in which they resided was forced, in case of need, to relieve them in addition to its own settled poor. Great complaints were made by the parishes in which these irremovables had congregated, and which were generally the most poor and heavily burthened. This result ought perhaps to have been foreseen and guarded against. But in the following year, in order to remedy the hardship thus complained of, a short Act was passed, *The* 10*th and* 11*th Victoria, cap.* 110 (usually known as Mr. Bodkin's Act, it having been introduced by him), transferring the charge of relieving the persons so rendered irremovable, from the particular parish to the whole union. This Act was only to endure for one year, but in the next session it was continued and extended by the 11*th and* 12*th Victoria, cap.* 110.[b]

1847. 10 & 11 Vic., cap. 110.

These three Acts, taken together, may be regarded as an important advance towards abolishing the evils of the law of settlement—the first prohibiting removal after five years' residence, the two others directing the cost of relieving persons thus rendered irremovable to be charged to the common fund. All that would afterwards be necessary for finally disposing of the settlement question would be, to extend the principle of these enactments by abolishing removal altogether, and substituting union for parochial rating and chargeability. Circumstances have gradually prepared the way for such a change. Parochial manage-

The law of settlement.

[b] See proximo, p. 426.

ment may be said to have become practically extinct. The whole power and responsibility as regards the administration of the Poor-Law, is vested in the board of guardians. The overseers still, it is true, in many instances collect the rates, and individual guardians may sometimes improperly or exclusively attend to or advocate the interests of the parish by which they are returned; but these things are only material so far as they disturb the equable working of the union system, which they would no longer do if union rating and chargeability were established. There would then be no conflicting interests to advocate or reconcile. The interest of one parish, would be the interest of all; and the guardians, acting under a sense of common duty and responsibility, would have regard to the interests of the ratepayers of the union generally, in administering relief to the destitute poor within its limits, irrespective of the particular parish where any of them might happen to be resident. Until the union system was organised and matured, there were doubtless formidable difficulties in the way of abolishing settlement; but these difficulties no longer exist, and it might now be abolished, and union chargeability established, not only with advantage and facility, but without occasioning any disturbance or confusion in the ordinary working of the law.

1846. 9 and 10 Vic., cap. 96. Removal of nuisances.

The 9th and 10th Victoria, cap. 96, for the removal of nuisances, was passed in the same year as the Act last mentioned. It provides that the guardians of the poor, upon the certificate of two duly qualified medical practitioners, of the filthy and unwholesome condition of any dwelling-house, or of the accumulation of any offensive or noxious matter, or of the existence of any foul or offensive drain, privy, or cesspool, shall cause the owner or occupier of the premises to be summoned before two justices of peace; and if the justices are satisfied of the existence of the

nuisance, they are to make an order for cleansing whitewashing or purifying such dwelling-house, or the removal of such nuisance; failing in which the guardians may cause the premises to be cleansed and the nuisances to be abated, the cost of doing which may be recovered from the owner or occupier, unless the same be for special reasons excused; and if not so recovered, the expenses are to be defrayed out of the poor-rates of the parish in which they were incurred. This Act was amended two years afterwards by the 11*th and* 12*th Victoria, cap.* 123, and again in the following year by the 12*th and* 13*th Victoria, cap.* 111, the powers above given for the removal of nuisances being enlarged, and their natures more fully described. The surveyors of highways are moreover directed "to scour, cleanse, and keep clear all open ditches, gutters, drains, and watercourses adjoining thereto;" and any person who suffers the drainage of soil or offensive matter from any new building into an open ditch, is declared to be guilty of a misdemeanor.

The execution of sanitary measures such as those above referred to, appears to come naturally within the province of Poor-Law administration, since disease in any shape tends to create distress and destitution, the relief or prevention of which is the especial object of every Poor-Law. The enactments were doubtless chiefly owing to the dread of impending cholera, and in some measure perhaps also to a more correct appreciation of the importance of such provisions for protecting the general health: but they were immediately occasioned by the spread of fever in many parts of England, and especially in the north. The great number of the Irish who came over in a pitiable state of exhaustion and debility, some bearing with them the seeds of fever, and others actually labouring under the disease, necessarily caused fever to break forth and spread wherever they congregated, as was the case in

1846. Spread of fever.

many of the northern unions. Several medical men, and union officers, and other persons engaged in attending upon the sick, fell a sacrifice in consequence; and it may be mentioned to the credit of government, that pecuniary assistance was granted to the families of most of those who thus unhappily perished.

We have now reached the period when the change in the constitution of the commission which has been intimated as approaching, and which the proceedings before the Andover committee were calculated to hasten, was determined to be carried into effect. But before describing this change, it will be no more than right to place before the reader the commissioners' own account of their administration of the law, as given by them in a letter addressed to the home secretary in December 1846, "relative to the transaction of the business of the commission."

1846. The commissioners' letter relative to the transaction of the business of the commission.

The commissioners say, "Upon examining the manner in which the powers with respect to the relief of the poor are divided between the central and local authorities, it will be seen that the primary responsibility with respect to the detailed administration rests with the board of guardians. The board of guardians consists of all the resident magistrates of the union or parish, together with the members elected by the ratepayers, forming altogether an important and highly respectable representative body. The constituency by which the guardians are elected, is the most numerous known to the law, inasmuch as it includes every ratepayer of either sex, and its number for the whole of England probably exceeds 2,000,000. According to the Poor-Law Amendment Act, the government of the workhouse, and the administration of relief to the poor in an union, are vested in the board of guardians (*ss.* 38 *and* 54). The board of guardians likewise appoint all the paid officers employed in the union, and maintain

an inspection of the regular performance of their duties. The weekly reports of the relieving officers, the medical officers, and the master of the workhouse, and the monthly report of the chaplain, are made to them; and it is their duty to see that these reports are sent in at the proper times, and to correct any abuses or breaches of regulation which the reports may disclose. Although the salaries of the officers are fixed by the commissioners, the amounts are proposed by the guardians, and their proposal is in most cases adopted. The weekly inspection of the workhouse is made by a visiting committee of the guardians, appointed under the regulations of the commissioners for this special purpose. The guardians expend the money raised for parochial emigration; make contracts for the survey and valuation of parishes, and also for gratuitous vaccination; and they appoint the local registrars of births, deaths, and marriages. The guardians discharge these several functions subject to the general control of the commissioners, to be exercised by making regulations. The Poor-Law Amendment Act expressly declares, that the commissioners are not empowered 'to interfere in any individual case for the purpose of ordering relief' (*sec.* 15). The only discretion which the commissioners exercise respecting relief in individual cases, is under the 52*nd section* of the Act, which enables the guardians to depart from the rules of the commissioners in cases of emergency, provided such departure is subsequently approved by the commissioners. Where formal complaints of local abuses are made to the commissioners, or where they ascertain in any way the existence of such abuses, they may institute an inquiry, either by addressing a letter to the board of guardians, or by instructing an assistant commissioner to investigate the matter."

"Independently of visits made for special inquiries, the assistant commissioners visit each union of their

district in regular succession, attend the meeting of the board of guardians, and inspect the workhouse. The number of these visits, however, is not sufficiently great to enable the assistant commissioner to detect all the abuses or irregularities which may arise in the daily administration of relief, both in and out of the workhouse. The number of unions and parishes governed by boards of guardians appointed under the Poor-Law Amendment Act, is 595; and of unions and parishes governed by boards appointed under local Acts, is 31: there are likewise 17 incorporations under Gilbert's Act, making a total of 643 unions and parishes requiring a separate inspection. These 643 unions and parishes contain 707 workhouses capable of accommodating about 190,000 inmates; each assistant commissioner, therefore, has on an average 71 unions and parishes under his superintendence, containing 78 workhouses; and allowing for all circumstances, it will scarcely be possible for an assistant commissioner to attend the board of guardians, or even to inspect the workhouse of every union, more than once in each half-year. With an inspection of this nature, the assistant commissioner cannot (except by an accident) do more than discover those abuses which are systematic, and which lie open to observation at a single visit; such as the existence of disorder and the non-observance of classification in the workhouse, ignorance of their duties on the part of the officers, neglect to keep the books and accounts prescribed by the regulations, and the like."

"Such being the division of the powers and functions between the central commission and the boards of guardians, it is not difficult to determine what are the abuses for the existence of which the commissioners are properly responsible. In the first place, they are responsible for the issue of such general regulations as are likely either to prevent the occurrence of abuses,

or to provide an effectual remedy against abuses when they have occurred. In the second place, they are bound, whenever any violation of the law or of the existing regulations, or any abuse or irregularity, is reported to them by an assistant commissioner or a board of guardians, or is otherwise brought to their knowledge, to adopt such measures as may be in their power, both for the correction of the actual evil, and the prevention of its recurrence. These responsibilities are sufficiently extensive and weighty, and in the fit discharge of the duties which they imply, is included all the control which can be exercised by the central commission. For abuses which could not have been prevented by general regulations, which have not been reported to them, and which their assistant commissioners neither knew nor could have been reasonably expected to discover, they cannot be held responsible."

"In considering the nature of the responsibility for local abuses in the administration of the Poor-Laws it is, (the commissioners remark,) necessary to advert to the peculiar character of the law to be administered, and the numerous difficulties which it presents. There are nearly 600 unions and parishes, each governed by a separate board of guardians. In these unions and parishes are employed 1,238 masters and matrons of workhouses, 1,257 relieving officers, and 2,680 medical officers, besides porters, nurses, &c. Each relieving officer and medical officer is bound to make a weekly report to the guardians, so that the total number of these reports, which require an examination at the time, amounts in a year to 204,724. The master of the workhouse is likewise bound to make to the guardians a weekly report of the number and classes of inmates of the workhouse, as well as of all punishments in the workhouse; and the chaplain makes a monthly report. Each relieving officer and medical officer is bound to visit the paupers under his care; and it may

be assumed, on an average, that each medical officer pays at least 30 visits in a week, and each relieving officer pays at least 50 visits in a week. This would give in the aggregate 143,250 visits in a year for both classes of officers. The number of paupers receiving relief in a quarter is returned at about 1,500,000; and the sum annually expended in out-door relief is nearly three millions sterling. This sum is disbursed by the relieving officers in small payments, varying in general from 5*s.* or 6*s.* to 1*s.* or 1*s.* 6*d.*, together with small allowances in kind: many of these payments are made to paupers resident out of the union, and by remittances through intermediate parties. The overseers, besides, of whom there are at least two in each of the 14,616 places maintaining their own poor, can give relief of their own authority in cases of urgent necessity. It is further to be borne in mind that the government of the workhouse is attended with many difficulties. The number of officers who have to control an establishment, sometimes containing several hundred inmates, is generally small, and their authority is not extensive. The nature of the inmates is also such as to require constant care and inspection. So long as industry and thrift lead to prosperity, and their opposites to poverty, it is natural that the least well-conducted portion of the poorer classes should find their way into the workhouse. The workhouse is, likewise, a receptacle for the sick, the aged, and bedridden, deserted children, and vagrants, as well as harmless idiots,—classes of persons who need constant and careful supervision. It includes a nursery, a school, an infirmary, and a place of temporary confinement. A workhouse is a large household, in which food is provided, the sick are tended, children are nursed, &c. In most respects it resembles a private family on an enlarged scale. There is however this important distinction, that those common incidents, arising out of neglect, quarrels, or

dishonesty, which in a private family are settled by the head of the house on his own responsibility, become in a workhouse matters of public complaint and investigation, involve official duties, are decided in an official form, and not unfrequently come under the review of parliament."

"In such circumstances, and in a system of administration at once so comprehensive and so minute, it is impossible that any code of regulations however well devised, and that any inspection however vigilant, should altogether prevent the occurrence of abuses. With whatever care the commissioners and their assistants on the one hand, and the local authorities on the other, may perform their respective duties, some abuses, caused by the inattention, impatience of temper, or other defect of character or judgment in some of the numerous persons employed, must inevitably occur. No system of administration can be expected to be faultless, especially a system of this extent and complexity. For such local abuses as may occur the boards of guardians are in general primarily responsible. They have the chief part of the local power, and must therefore bear the chief part of the local responsibility. The responsibility of the commissioners in general does not arise until the abuse has been disclosed, when it becomes their duty to take such means as are at their disposal for preventing its recurrence. Nor is there any valid reason for imposing on the commissioners additional responsibilities, or for doubting the competency of the boards of guardians to carry on the ordinary administration of the law, and to superintend the union paid officers in the regular performance of their duties. The constitution of the board of guardians secures for it a large portion of the intelligence and practical knowledge of the district, and the nature of its proceedings leads to deliberation and discussion upon the business transacted. The position of

the commissioners, invested with the central control, necessarily causes them to differ from the boards of guardians occasionally, with respect to questions arising in the administration of the law; but they declare that they would be wanting in their duty if they omitted to state their conviction, derived from experience, of the generally discreet, trustworthy, attentive, and considerate manner in which the boards of guardians discharge their functions, and of their readiness to devote to the transaction of the business, as much of their time as can be reasonably expected of the unpaid members of a body so constituted."

These extracts from the commissioners' letter contain so full a description of the working of the union system, that it has been preferred giving them entire, although they may possibly be deemed tedious; but it would be difficult to shorten or condense them, without weakening the effect. The relative duties and responsibilities of the central board, the boards of guardians, and the local officers are clearly stated, and it is necessary that the statement should have a place at this stage of our narrative, the commission as originally constituted being about to be changed. Its members are, therefore, entitled to show how far it has fulfilled its mission, what it has done, and the nature and extent of the organization which has been created. The statement is also necessary on another account, for everything that happened at any time to be wrong in the multifarious transactions of the several unions, whether in giving or in withholding relief, whether in the workhouse being over-strictly or under-strictly managed, whether the officers were attentive or negligent, harsh or considerate in the performance of their duties—all failures, excesses, or shortcomings of every kind, were attributed to the commissioners, whom the public held responsible for every defect, without allowing them credit for any excellence. Against this assumed concentration of responsibility,

and the sweeping imputations grounded upon it, the commissioners in their letter not without reason protest.

Under the old parochial system of administration, defects and abuses of various kinds were continually occurring, but they excited little attention, and none beyond the immediate locality. Not so under the present system. Every defect or malversation becomes known, is publicly discussed and commented on, is circulated throughout the country by the press, and probably brought forward in parliament. This publicity, no doubt, ensures a more careful and better execution of the law; but it at the same time affords extraordinary means for attacking the commissioners, for whatever happens to be unpopular, or wrong, or defective in its administration; and it must be confessed that the means of attack thus provided, were not, during the latter years of the commission, permitted to lie idle. The change now about being made in the commission, and to which its unpopularity arising from these attacks no doubt contributed, will be described in the next chapter.

Comparison of the old and the new systems of administration.

CHAPTER XVIII.

Dissolution of the commission — Powers of the new commissioners — Aged couples not to be separated — Visiting committees directed — Increase of expenditure and of the numbers relieved — Exemption of stock-in-trade from rating — Resolutions of committee on law of settlement — Consolidated order — Mr. Buller's speech and bill — Vagrancy: Mr. Buller's minute — Workhouse schools — Emigration — Operation of settlement law — Norwood and Tooting "farming" establishments — Cholera — Number of union officers and their salaries — Usefulness of the workhouse — Assessment and collection of rates — Protection of poor children — Audit of accounts — Vaccination — Education — Emigration — Improvement of workhouses — Expenditure on relief — Numbers relieved — Number of unions — Commissioners' orders and regulations — Laws now in force — Continuation of the commission — Mr. Baines's speech on settlement — Its abolition, and the consolidation of the law, anticipated — Conclusion.

THE commissioners appointed under the provisions of the Poor-Law Amendment Act had hitherto been men unconnected with party politics, and were prohibited from sitting in parliament. This separation from political influence would, it was believed, be a means of rendering their action more steady, vigorous, and independent, and less liable to popular or local bias. The result, however, showed that although these qualities might abound in a commission so constituted, there were countervailing circumstances connected with such an arrangement which rendered its policy doubtful, the commission being thereby deprived of the means of defending itself in the only place where defence would be effective. Public feeling and public prejudice, local or general, were represented and found utterance and supporters in parliament, where there was no Poor-Law functionary to explain or refute them; and charges made there, however vague, exaggerated, or groundless, spread through the country, and were received as undoubted facts, raising distrust and

jealousy of the commission, and weakening its influence and impeding its action. It was denounced as being anomalous, tyrannical, irresponsible, and as exercising a power not recognised by the English constitution. This feeling prevailed within the House of Commons perhaps even more strongly than it did elsewhere, for every other department had its representative there, who might at once be questioned and called to account for whatever occurred; whereas the Poor-Law commissioners were beyond the reach of such questioning, and could only be called upon circuitously through the medium of the home secretary, or by the more tedious process of moving for papers.

These were, it is believed, the circumstances which at this time chiefly led to making a change in the commission, and assimilating its constitution to that of the India Board, and other principal departments of government. The time for making the change was well chosen; all the more rough and heavy work devolved upon the commissioners by the Poor-Law Amendment Act having been gotten through, the unions being formed, a system of relief organised, and the law brought into general operation. The commission had, moreover, been in existence sufficiently long, for gathering to itself all the unpopularity attendant upon the changes which, under the authority of the new law, it had been the means of effecting in every part of the country; so that by dissolving the commission, both the cause and the object of unpopularity would be removed, and the law and the new executive would be left free from consequences which, as far as the original commission was concerned, were perhaps unavoidable.

The above observations are offered by way of introduction to *The 10th and 11th Victoria, cap.* 109, which empowers the crown to appoint from time to time, and during pleasure, such person or persons as her Majesty shall think fit, to be "*commis-*

1847. 10 & 11 Vic., cap. 109.

sioners for administering the laws for the relief of the poor in England." The lord president of the council, the lord privy seal, the secretary of state for the home department, and the chancellor of the exchequer for the time being are, by virtue of their respective offices, to be commissioners jointly with the person or persons so appointed; and they are to enter on their office, and have all the powers vested in them by the Act, on the day after the notice of the issue of the commission shall be published in the London Gazette. This commission, like the preceding, was only to continue for five years. 'The commissioners' are to submit annually to her Majesty a report of their proceedings, which is to be laid before parliament, and they are empowered to appoint two secretaries, one of whom and the president may sit in parliament.

The 10*th section* enacts, that on the day on which 'The commissioners' enter on their office, "all the powers and duties of the [existing] Poor-Law commissioners, with respect to the administration or control of the administration of relief to the poor throughout England, and all other powers and duties now vested in them, shall be transferred to and vested in 'the commissioners,' and shall be thenceforth exercised by them." It will be seen that Ireland is not named in this clause, a separate board having been created by the 10*th and* 11*th Victoria, cap.* 90, for the administration of the Irish Poor-Law, wholly distinct from that of England. How far this separation was necessary or politic, may perhaps be questioned; but it was thought to be called for by the circumstances then existing, the "potato-rot" having recommenced its ravages in the autumn preceding, and spread want and disease throughout Ireland, which a separate and resident commission would, it was supposed, be better able to attend to and relieve.

'*The commissioners*' are empowered, by order under their seal, and with consent of the Treasury, to appoint

'*Inspectors*' to assist in the execution of this and all other Acts now, or which shall be hereafter in force, for the relief of the poor in *England*, and may assign to them such duties as they think fit; and it is enacted that each of such inspectors "shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief shall be lodged, and to attend every board of guardians and every parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at such board or meeting." The inspectors may also summon witnesses, administer oaths, examine accounts, and hold inquiries.

These are the only provisions immediately applying to '*The commissioners*' which need be noticed, but there are two other clauses of the Act demanding attention, as they make a change both in the law and in the workhouse regulations as at that time established. The 23*rd section* provides, "that when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse"—"such two persons shall not be compelled to live separate and apart from each other." And the 24*th section* enacts, "that in all cases where boards of guardians neglect to appoint a visiting committee," or where three months shall have elapsed without such a committee having visited the workhouse, "the commissioners shall appoint a visitor, not being one of the guardians, at a salary to be fixed by them, and paid out of the general fund of the union"—but the appointment of such visitor is to cease three months after a visiting committee shall have been appointed by the guardians—"subject nevertheless to his reappointment, in case of any repetition of such neglect of the guardians or visiting committee as aforesaid."

The first of the above provisions, prohibiting the separation of aged married couples, so far alters the

workhouse regulations as to render that imperative, which had been previously left in great measure to the discretion of the boards of guardians. Article 10, of the general workhouse order issued in 1842 directs, that if for any special reason it shall appear to the board of guardians desirable to allow aged and infirm married couples to have a sleeping apartment separate from the other inmates, they are to record a resolution to that effect on their minutes, and transmit a copy thereof to the Poor-Law commissioners for their approval, which, it may be added, was very rarely withheld. The general consolidated order which the existing Poor-Law commissioners issued immediately after the passing of the present Act, makes an addition to the provision it contains against separating aged married couples to the following effect, namely, "that the guardians shall set apart for the exclusive use of every such couple a sleeping apartment separate from that of the other paupers." This was requisite on the score of decency, but it would no doubt tend to increase the amount of out-relief, as the number of separate sleeping apartments in any workhouse must necessarily be very limited.

Aged couples not to be separated.

The second of the above provisions goes much further with respect to visiting committees, than was contemplated by the general workhouse order, which merely directs boards of guardians to appoint such committees from their own body, prescribes their duties, and frames the series of printed questions to which at every visitation they are required to append written answers. The present Act provides against the neglect of any board of guardians to appoint such a committee, and also against the neglect of the committee to visit regularly, in either of which cases the commissioners are empowered to appoint a visitor (not being a guardian), and to assign him a salary for performing the duty. The existence of such a power

Visiting committees.

may, as in other cases, be likely to prevent the occasion for its exercise; and some such provision had certainly become necessary, the important duty of visitation in conformity with the regulations, and which is so essential for ensuring order and regularity in workhouse management, having of late been too much neglected.

The Act received the royal assent on the 23rd of July, 1847. By it the new commission was to enter upon its duties the day after the appointments were gazetted, which was not done until the 17th of December following; so that there was an interval of nearly five months, during which the administration of the law continued in charge of the old commission, although its abolition had been decided on, and was universally known to be near at hand. This interval may be occupied with the notice of some matters which properly appertain to the original commission, whose proceedings I have endeavoured to trace from its commencement in 1834 to the present time. I may deceive myself as to the way in which this has been done, but I have certainly aimed at being impartial, and have wished as far as possible to guard against the bias that might not unnaturally arise through my own official connexion with these proceedings.

The new commission gazetted, 17th Dec. 1847.

The first point to be noticed is the cost of relief, which, from its minimum of 4,044,741*l.* in 1837, went on year by year increasing (with the exception of 1844), until it attained what I have named its "3rd maximum" of 6,180,765*l.* in 1847-8, thus exhibiting an increase of expenditure amounting to upwards of two millions in course of eleven years, whilst the rate per head on the population had risen from 5*s.* 5*d.* in 1837 to 7*s.* 1¾*d.* in 1848.[a] If the expenditure for relief of the poor continued to increase in

1837-1848. Increase of expenditure.

[a] See Table in the Appendix.

a like ratio, or to exhibit any considerable and continuous increase at all, it would no doubt negative the economical pretensions of the new law and the workhouse system, which would cease to be regarded as secure fences against the perpetual augmentation of pauperism. The increase which actually did take place at this time, had the effect of shaking the confidence of many friends of the law, and of encouraging its adversaries, to whose efforts both in and out of parliament the increase may in some degree be said to have been owing. The main causes of the increase however, existed in the circumstances of the period, which were of too marked and legible a character not to be generally understood. In their thirteenth report, the Poor-Law commissioners remark, that "the general failure of the potato-crop throughout England, the high prices of corn and other articles of food, the length and severity of the winter, the diminution of manufacturing prosperity, and the large immigration of destitute Irish into England, have considerably increased the pressure upon the poor-rates; and that the expenditure for the year ending at Lady-day 1847, will, when ascertained, doubtless prove greater than that for the year preceding"—a prognostication that was fulfilled to the extent of 344,583*l.*—and the commissioners go on to express "their satisfaction at being able to state, that the boards of guardians and other local authorities have found no serious difficulty in overcoming the obstacles against which they have had to contend, and that the system of relief has been efficient and orderly."

1847–1848. Increase of the number of persons relieved.

In the short report of the Poor-Law commissioners for the five months they continued in office, after the passing of the 10*th and* 11*th Victoria*, *cap.* 109, the amount expended in the several Poor-Law unions only is stated; but in the first report of the Poor-Law board, that for 1848, the expenditure for the whole country is given, and shows an increase of

881,978*l.* on the year ending at Lady-day 1848 over that of 1847, which is nearly equal to 17 per cent. on the entire expenditure. The report also contains a tabular statement of the number of *able-bodied persons* relieved in the winter quarters of these years, ending at Lady-day respectively, in the then existing 592 Poor-Law unions, from which unions alone could accurate or reliable returns be obtained, viz. :—

	In-door.	Out-door.	Total number of able-bodied relieved.
In 1847 . . .	105,306	375,278	480,584
In 1848 . . .	135,084	442,361	577,445
Increase . . .	29,778	67,083	96,861

There is here a formidable increase upon a previously formidable number, for the maintenance of half a million of able-bodied persons at the public cost is surely a formidable circumstance. Only about one-fourth of the number were we see relieved in the workhouses, which is a proof that the test was sparingly applied, and that the law was administered with great leniency.

The efficiency of the amended Poor-Law depends so much upon the extent to which the workhouse is used as a medium of relief, and a test of destitution, that it may be instructive, and will afford means of comparing the working of the law in different years, to insert an abstract of the numbers relieved in and out of the workhouse, in the quarters ending at Lady-day respectively, commencing with 1840.[b]—

Year.	In-door.	Out-door.	Total No. relieved.	Per cent. on the population.
1840 . .	169,232	1,030,297	1,199,529	7·7
1841 . .	192,106	1,106,942	1,299,048	8·2
1842 . .	222,642	1,204,545	1,427,187	8·9
1843 . .	238,560	1,300,930	1,539,490	9·5
1844 . .	230,818	1,246,743	1,477,561	9·0
1845 . .	215,325	1,255,645	1,470,970	8·8
1846 . .	200,270	1,131,819	1,332,089	7·9
1847 . .	265,037	1,456,313	1,721,350	10·1
1848 . .	305,956	1,570,585	1,876,541	10·8

It appears by this abstract, that with the exception

[b] A proportional estimate is made for the numbers relieved in places not under the Poor Law Amendment Act.

of 1844-5 and 1845-6, in which years some reaction took place, there had been a continual increase in the numbers relieved both in and out of the workhouse throughout the whole period, and that the largest increase had taken place in the last two years. The in-door poor amount only to about one-sixth of the entire number relieved, a proportion the reverse of what was anticipated at the time of passing the Amendment Act in 1834, when the extinction of out-door relief was reckoned upon as a consequence of the measure; or at least it was expected that it would be so far reduced as to form the exception, instead of being, as we now see it, rather the rule. But in fact the affording of what is called out-door relief had been so long practised, and as it were engrafted into the habits of the labouring classes, that to put an end to it, or even to reduce it within the narrow limits many sanguine persons expected, would have been impossible under any circumstances, however favourable. During a considerable portion of the period, however, the circumstances had not been favourable, and the efforts which the Poor-Law commissioners, under a strong sense of duty, were unceasingly making to bring about a reduction of out-door relief, and to establish in-door relief more generally instead, served but to increase their own unpopularity, and to bring discredit upon the law itself. Charges of inhumanity were made against them for their efforts to extend the workhouse principle, inquiries were instituted, opposition was active, and the progress of amendment was necessarily slow and beset with difficulties. On some occasions indeed credit was claimed for the law, and for its executive, on account of the large amount of out-relief afforded under it, which was cited in proof of its humanity; and this was not done obscurely by the ignorant and ill-informed, but openly and before parliament; so that to put an end to out-

Difficulty of reducing out-relief.

door relief, or even to reduce it to about an equality with the in-door, became a matter rather to be desired than expected.

Such were the circumstances with regard to out-door relief in England; but in Ireland it was different, for the Irish Poor-Law did not recognise or sanction out-relief in any shape; and although its provisions in this respect were for a time departed from, under the severe inflictions of famine and fever, the principle was there never lost sight of, and the practice was brought into conformity with it when, and as speedily, as circumstances permitted.

Exemption of stock-in-trade from being rated.

The Parochial Assessment Act (*6th and 7th William 4th, cap.* 96), which had been passed in 1836, was at first supposed to repeal the provision of the *43rd of Elizabeth*, by which stock-in-trade was held to be rateable to the relief of the poor; but the courts of law having decided otherwise, and confusion having in some places arisen in consequence, the *3rd and 4th Victoria, cap.* 89, was passed in 1840, to exempt for one year the "inhabitants of parishes, townships, and villages from liability to be rated as such in respect of stock-in-trade or other property to the relief of the poor;" and the like exemption has been continued annually ever since. The ground for such exemption is the difficulty, or rather the impossibility, of so fixing the locality and ascertaining the value of stock-in-trade or other personal property, which in its very nature is changeable and uncertain, as to render it a fit object for being rated in common with visible stationary and permanent property; and this impossibility, it may be remarked, is not likely to be overcome.

1847. Select committee on the law of settlement.

Early in 1847 a select committee in the Commons, of which Mr. Charles Buller was the chairman, was appointed to inquire into the operation of the law of settlement and of the Poor Removal Act of the last session (*9th and*

10*th Victoria*, *cap.* 66),[c] and to report thereon to the House. Numerous witnesses were examined, and extensive inquiries instituted, the substance of which was given in seven separate reports; but no distinct recommendation was made by the committee, who however state, that "although they do not submit any specific plan for the amendment of the law, they feel confident that their labours will not prove useless, inasmuch as they have brought together a large mass of valuable information, and fixed public attention on those points which require especial consideration in any attempt to legislate on a subject of such great importance to the interests of the poor, and the general well-being of the country." On all these "points," in the various forms in which they were raised by different members, the committee had deliberated, discussed, and voted. Many resolutions were proposed and rejected, some by large, others by small majorities; but nine are recorded on the minutes as being carried, which, although not reported to the House (the motion for that purpose having been rejected by a majority of one), are of so much importance in connexion with our subject as to require insertion here. The resolutions are as follows:—

1st. "That the law of settlement and removal is generally productive of hardships to the poor, and injurious to the working classes, by impeding the free circulation of labour."

2nd. "That it is injurious to the employers of labour, and impedes the improvement of agriculture."

3rd. "That it is injurious to the ratepayers, by occasioning expense in litigation and removal of paupers."

4th. "That the power of removing destitute poor persons from one parish to another in England and Wales be abolished."

[c] Ante, p. 398.

5th. "That as the total abolition of the power of removing paupers within England and Wales, would have the effect of greatly increasing the burthens of particular parishes, it is advisable that some change should at the same time be made in the distribution of the burthen of relieving the poor."

6th. "That the narrowness of the area of chargeability is one great source of the evils above adverted to, as well as of others arising from the interest of landowners and ratepayers in preventing the residence within that area of persons likely to become chargeable."

7th. "That it is therefore desirable to extend the area of rating for the relief of the poor."

8th. "That unions would form the fittest areas for that object."

9th. "That with a view to render the working of a system of union-rating more just and equal, it would be advisable to facilitate, in certain cases, the alteration of the limits of existing unions in England and Wales."

That the committee, after passing these resolutions, should not have reported them—and that parliament, knowing that such resolutions were passed by the committee after five months' laborious investigation, should not have taken prompt and decisive steps for altering a law declared to be so injurious—can hardly fail to excite surprise; but it ought likewise perhaps to be regarded as a proof of the difficulty of effecting any great change in institutions to which a community has been accustomed, and to which the habits and the interests of particular classes have been adapted, even although the proposed change might be a positive and undoubted improvement.

Immediately after the passing of the 10*th and* 11*th*

Victoria, cap. 109,[d] which provided for subsequently constituting a new central executive, the Poor-Law commissioners issued '*a general consolidated order*,' comprising under one form the contents of the previous general orders for the government of the unions. This consolidated order had been long in preparation, and all the alterations and additions which experience had shown to be necessary or desirable in the former orders were embodied in it; and the commissioners express their belief "that it will conduce to the convenience of the guardians and their officers, and facilitate the working of the law." The end of the commission being so near at hand, the propriety of issuing so important an instrument, instead of leaving the matter to be dealt with by their successors, may possibly be questioned; but great pains had for a long time been bestowed on improving the several parts of the order, and rendering them as perfect and efficient for their several objects as possible, and it was therefore thought right to avoid further delay, and to issue the order at once. The doing this would moreover, it was considered, possess the advantage of placing before the public in one connected series the whole of the regulations in their most improved form, and embodying all that experience could suggest for ensuring their efficiency—a not unfitting termination, it was thought, of the commissioners' labours.

1847. Consolidated order.

It has been already stated that the Poor-Law commission, as newly constituted under the 10*th and* 11*th Victoria, cap.* 109, entered upon its duties on the 17th of December, 1847.[e] Mr. Charles Buller, M.P. for Liskeard, was appointed president, the other members of the board being the lord president of the council, the lord privy seal, the home secretary, and the chancellor of the exchequer, as directed

The new commission, 17th Dec. 1847.

[d] Ante, p. 411.

[e] Ante, p. 415.

by the Act; Viscount Ebrington, M.P. for Plymouth, and the author of this work, were appointed joint secretaries; and the nine gentlemen who previously held the office of assistant commissioners were immediately appointed inspectors under the new commission. These were however deemed "insufficient for the proper fulfilment of the onerous and important duties required from them," and four others were shortly afterwards added, the several districts being recast and adapted to the increased number.

The subject of the settlement and removal of the poor, very early occupied the attention of the newly constituted Poor-Law board. It had been forced upon the notice of the late commission by the complaints that were made of the operation of the *9th and 10th Victoria, cap.* 66,[f] which, by rendering persons irremovable after five years' residence, had in some instances caused a great change in the incidence of chargeability; and although all could not be losers thereby, those parishes that were so complained loudly, and with justice, of the increased charge to which they were suddenly subjected. By way of remedy for this injustice, Mr. Bodkin's Act (*10th and 11th Victoria, cap.* 110)[g] was, as has been stated, passed in the following year, by which all such charges were directed to be defrayed out of the common fund of the union. The union chargeability thus created, would spread whatever additional charge there might be, over all the parishes comprised within its limits: but it does not follow, that although by such spreading the charge would be equalised, its aggregate amount would be increased; for the loss in one parish might, and probably would, be counterbalanced by gain in another.

Mr. Bodkin's Act was found on the whole to work well, but its duration being limited to one year, it became necessary in 1848 again to deal with the question;

[f] Ante, p. 398. [g] Ante, p. 399.

and accordingly a bill was introduced by the president of the Poor-Law board, after a clear exposition of all the circumstances, and a luminous commentary on other portions of the existing law. He described the law of irremovability established in 1846 as being founded on sound policy, and with a proper regard to the interests of the poor, although it was undeniable that it had caused a great shifting of charge on the ratepayers; and when the legislature made that change, it would, he thought, have been better to have guarded against creating a pressure upon particular localities, by throwing the burthen on a larger area than that of a parish. This was however done by Mr. Bodkin's Act of the last session, and he now proposed "that the principle of that Act should be continued, and that the irremovable poor shall henceforth, as they have been during the last year, be a charge not upon the parish, but upon the whole union."

Mr. Buller's speech, July 25, 1848.

Mr. Buller next adverted to the subject of vagrancy, which it was impossible, he said, to leave upon the footing on which it then stood—not that the principle of relieving the vagrant as laid down by the law can be altered for the better, but that it should be administered in a different spirit, and with greater discrimination. The charge of relieving vagrancy is now, he observed, borne by the parish in which the vagrants apply for relief, and this in ninety-nine cases out a hundred is the parish in which the workhouse is situated, or in which the relieving officer resides. This is obviously unjust, and numerous complaints are made in consequence. The remedy he proposed was, that the relief of the vagrant, like the relief of the irremovables under the *9th and 10th Victoria*, should be charged to the common fund of the union. He then discussed the question of rating, and declared his opinion that all union charges should be defrayed by an equal assessment of property, instead of upon the old system of averages,

which, although rightly and of necessity adopted in 1834, when the Amendment Act was passed, was in a very different position now. "At the former period, whatever evils and burthens existed had grown up under parochial management; and it might be fairly said to the several parishes that the burthens which had arisen under their administration should be borne by them, and not be thrown upon the general fund. But the administration of the Poor-Law has since then been taken out of the hands of the parish officers, and for fifteen years has been in the hands of the union officers; and the parishes can therefore be no longer held responsible for the burthens which may be brought upon the union." The whole system of averages, he said, is one of fraudulent squabbling. In some parishes the whole burthen is sought to be shifted upon others; in other parishes they make private rates, and thus great frauds are perpetrated, and the averages unduly diminished. "These are the grounds," he added, "on which I propose to place the establishment charges, as well as the other charges, on a common footing, and to raise a common union fund by a general union rate, apportioned on the property of the whole union." Any difficulty arising through the inequality of the poor-rate valuations, he proposed to remove by taking the valuation for the county-rate.

Mr. Buller then referred to the objections which might be made to the principle of what he proposed. "It will," he said, "be observed that this measure cannot be discussed without looking to the general question of substituting union rates for parish rates. It will be contended that I have admitted the principle of union rates; and, to quote language that has been used to me in private, that I have let in the small end of the wedge. But, if the reasons I have stated justify the principle of union rating to the extent I propose to carry it, the House should not be deterred from doing

what is right, on a practical question, by the fear that the principle might be carried too far. Those gentlemen who resist the application of a good and just principle, fairly admissible in a particular case, because they dread ulterior consequences, are very likely to raise up a feeling in the community which will lead to that very principle being rashly and too hastily applied." After thus arguing in favour of union rating generally, and for the relief of vagrants and irremovables and the establishment charges in particular, Mr. Buller declared that he had not yet become fully satisfied that it would be advisable to substitute union or any other system of chargeability upon a larger area for the old system of parochial chargeability. He admitted however that his opinion on this point was somewhat shaken by what took place in the committee of which he was chairman last year. With respect to settlement, he declared that he admitted all the evils so forcibly brought before the House by the evidence taken by that committee. He thought the present law of settlement and power of removal involved great hardships, and he trusted that a long time would not elapse without parliament relieving the poor from that great evil, and he felt confident that parliament would be able to remove it. Such were the leading particulars of this remarkable speech, on which the bill then introduced was founded: but it received considerable modifications in its passage through parliament; and I will now, as on other occasions, give a brief description of the measure in the form it finally assumed.

1848. 11 & 12 Vic., cap. 110.

The 11*th and* 12*th Victoria, cap.* 110, introduced by the president of the Poor-Law Board, may be regarded as a further advance in the direction indicated by the 9*th and* 10*th Victoria, cap.* 66,[h] and by the resolutions carried in the committee on the law of

[h] Ante, p. 398.

settlement in 1847.[1] After reciting the provisions of the Amendment Act for the formation of unions, it directs that until the 30th of September, 1849, the cost of the relief given to any poor person becoming chargeable in any union formed under the provisions of that Act, "being a destitute wayfarer or wanderer or foundling, as well as the cost of the burial of any such person," shall be chargeable to the common fund of the union. And it is also, by the *3rd section*, further directed, that during the like period, all the costs incurred in the relief of any poor person, who, not being settled in the parish where he resides, shall be exempted by the *9th and 10th Victoria, cap.* 66, from the liability to be removed, shall be charged to the common fund of the union in which such parish is comprised. And the *4th section* enacts, that where any question shall arise between the parishes of a union, or between the guardians and any particular parish, with reference to the charging of the cost of his relief, as to whether any pauper be so exempted as aforesaid—the parties may jointly submit such question to the commissioners, who may thereupon, if they think proper, entertain such question, and by an order under their seal determine the same. The *7th section* enables the guardians, on application of the parish officers or any ratepayer, to cause a valuation to be made of any property alleged to be rateable, and may charge the expenses of such valuation to the parish or such person accordingly. And the *9th section* directs that persons hereinbefore made chargeable upon the common fund, on being convicted of any offence, may be committed to the house of correction, and the expenses defrayed out of the county-rate. The *10th section* enacts, that any poor person professing to be a destitute wanderer or wayfarer, on applying for admission to a workhouse,

[1] See ante, p. 420.

may be searched, and any money found upon him applied in aid of the common fund of the union; and any person who so applies for relief, and has at the time in his possession money or other property of which he shall not make disclosure, is to be deemed an idle and disorderly person, and is to be punished and dealt with in all respects as such persons are directed to be dealt with under the provisions of the *5th George 4th, cap.* 83.[k]

The above are the only provisions of this Act which require to be noticed. They are all eminently practical, and calculated to facilitate the working of the law. The Act has been successively continued from year to year, until the 30th of September, and to the end of the then next session of parliament respectively, and is still in force.

Increase of vagrancy.

The attention of the new board was early drawn to the state of the vagrant poor, and to the alarmingly rapid increase of their number. Complaints were general, and no part of the country was exempt from the infliction. The late Poor-Law commissioners had adverted to it in their reports, but they were not sufficiently assured of public support to venture upon a vigorous repression of the evil. Indeed it may be doubted whether their efforts to secure prompt attention to every applicant for relief, did not rather operate to the promotion of vagrancy, by causing relief to be often given to improper objects. The president of the new Poor-Law board devoted much attention to this subject, which he rightly considered to be one of great importance. We have seen that he referred to it in his speech just quoted, and that his bill provides for the cost of relieving vagrants being defrayed out of the common fund of the union. He also caused the state of vagrancy along the main lines of traffic to be

[k] Ante, p. 208.

investigated, and a report containing the results of this inquiry was laid before parliament.

The great increase of vagrants appearing to be in some measure attributable to a want of due care on the part of the guardians and union officers, Mr. Buller prepared a minute, pointing out the necessity for great vigilance and discrimination in administering relief to this class of persons. The minute states that the board had received representations from all parts of the country respecting the rapid increase of vagrancy, and that the system of late years adopted in relieving the casual poor, has doubtless been the principal cause of the increase. That to supply food and lodging at the public charge unto all who demand them, by diminishing the risks and privations of a vagrant life, must operate as a temptation to resort to it. That the task of work prescribed by the regulations had been found useful, when properly applied; but being only occasionally enforced, it had exercised no general influence as a test; and the laws against vagrancy had been alike ineffective. That the board was unable to suggest any additional test or punishment, for preventing the abuse of relief indiscriminately extended to every stranger representing himself as being destitute, and that a sound and vigilant discrimination in respect of the objects of relief, and the refusal of it to all who are not ascertained to be destitute, are the only effectual remedies against the continued increase of vagrancy and mendicancy. "The power of exercising this discrimination," it is then added, "is vested by law in the boards of guardians and their officers. On them rests the responsibility of exercising it effectually. They must encounter the responsibilities of their position, and intrust the business of administering relief to officers who shall possess sufficient discrimination to distinguish those whose urgent destitution gives them a claim to relief, from

those who throw themselves habitually on public charity, because it is extended to all who choose to ask it. It is equally the duty of those officers to relieve the destitute, and to repel the impostor; and it would appear to require no more than ordinary intelligence and care, to avoid erring seriously in either direction. The late Poor-Law commissioners found it necessary at one time, to remind the various unions and their officers of the responsibility which would be incurred by refusing relief where it was required. The present state of things renders it necessary, that this board should now impress on them the grievous mischiefs that must arise, and the responsibilities that may be incurred, by a too ready distribution of relief to tramps and vagrants not entitled to it." The guardians and their officers may, it is observed, be subjected to some obloquy from prejudices that confound poverty with profligacy; but they will be supported by the consciousness of discharging their duty to those whose funds they administer, and of resisting a formidable abuse. Such of them as are responsible to the Poor-Law Board, are then assured "that whilst no instance of neglect or harshness to the poor will be tolerated, they may look to the board for a candid construction of their acts and motives, and for a hearty and stedfast support of those who shall exert themselves to guard from the grasp of imposture, that fund which should be sacred to the necessities of the poor."

Results of the minute on vagrancy.

The promulgation of this minute was attended with the best results. The assurance of support it contained gave confidence to the union functionaries, who, in their dread of bringing upon themselves censure or dismissal for a backwardness in affording relief, had certainly become too general and indiscriminating in its administration. The habitual vagrants were at the same time made aware, that they would no

longer find relief on merely applying for it, but that their condition would be inquired into, their claims scrutinised, and their necessities ascertained, before relief of any kind could be obtained by them. The incentive to vagrant courses, which the prospect of readily finding lodging and sustenance in every union afforded, was thus in great measure removed, and vagrancy was less followed and less frequent in consequence. The entire minute is inserted in the Appendix to the Report of the Poor-Law Board for 1848. It was signed by the president of the board, and by the author of this work, who takes this opportunity of stating that he never affixed his signature to any public instrument with greater satisfaction, nor to one that he more entirely approved.

Workhouse schools.

Much pains were taken by the newly constituted board to improve the workhouse schools, and to raise the qualifications of the teachers. Regulations were established by which the schoolmasters and schoolmistresses were to undergo an examination by inspectors appointed by the Committee of Council on Education, and the grant voted by parliament for the repayment of the salaries of those officers, was to be appropriated according to the efficiency they severally exhibited, "so that larger sums will be granted to the boards of guardians who possess efficient schoolmasters and schoolmistresses, than to those whose officers possess inferior qualifications;"[1] and thus after a time, when the requisite arrangements shall have been completed, it is expected that a better class of teachers will be established. In many of the unions, it said, "the guardians have applied themselves with much energy to the industrial training of the children in the workhouse schools, and have taken active measures for their instruction in useful occupa-

[1] See Report of the Poor Law Board for 1848, p. 6.

tions, so far as the limited resources of a single union would allow." But the board declare their belief, "that a really effective system of education and industrial training can only be established in unions having a considerable population, or where several unions are combined for the purpose." This combination the board are empowered to effect, by establishing district schools; but there are so many difficulties interposed, that except in the metropolis, it has only been accomplished in a very few instances.

Emigration.

Emigration had of late greatly increased. The spirit of enterprise and adventure excited by the recent discovery of gold in the Australian colonies, and the consequent rapid improvement in the condition of those colonies, led to a large increase in the number of persons emigrating thither. This emigration was effected partly by means of arrangements made by the government commissioners for the free conveyance of a certain class of the labouring poor (including a few young unmarried women of good character), according to certain conditions prescribed by the Poor-Law board, and partly independent of any such arrangements; so that the total number of persons who proceeded to Australia was greatly increased, whilst the emigration to British North America was not lessened.[m]

1848. Inquiry into the operation of the law of settlement.

The committee of the House of Commons on the law of settlement, which sat in 1847, and of which the president of the Poor-Law board was then the chairman, not having reported conclusively on the subject,[n] he now appointed five gentlemen to undertake an examination into the working of the law in different parts of the country. They were directed to inquire into the effects of the law upon the

[m] See a table showing the amount of emigration from 1815 downwards, in the Appendix.

[n] See ante, p. 421.

labouring classes and the employers of labour, upon pauperism and vagrancy, and upon the burden of taxation, local and general; and they were also directed "to ascertain the opinions of persons conversant with or affected by the law of settlement and removal, as to the nature of any change which might appear to them to be desirable, and the reasons for which they recommended such change." The reports which these gentlemen made after an extended inquiry into the subject, united in deprecating the evils and the hardships inflicted by the settlement law—evils as respects the community generally, and hardships as respects the poor in particular. The most remarkable of these reports, and to which reference has already been made, was that prepared by Mr. Coode,[o] who, with great industry and research, investigated the whole subject of settlement, showing that the law originated in error or misrepresentation, and that its working had throughout been productive of results the reverse of beneficial.

The inquiry on this occasion was not limited to any one class or locality, but was "prosecuted in districts differing widely as regards the size of the parishes, the amount and density of the population, and the nature of their employment;" and in all, the results of the settlement law were found to be similar—the labouring classes were everywhere dependent on their parishes, to which they appeared bound by a kind of invisible chain; and from which if any one in a moment of daring or desperation ever broke loose, he knew that on the first occurrence of difficulty or misfortune he was liable to be sent back, tainted with the disgrace of failure, and doomed thenceforward to be "settled" in the full sense of the term. The power of removal was universally found to inflict great hardships on the working classes, whilst their being settled was found to

[o] See vol. i. p. 295.

destroy their feelings of self-reliance; so that the rate-payers were sufferers, in common with those for whose supposed benefit the rate was raised. The settlement law nevertheless remained in force, unsupported by any conversant with its operation, and possessing sufficient intelligence to appreciate its effects; but retained through a vague apprehension of the consequences which it was feared might possibly ensue from the abolition of a law affecting so large a portion of the community.

Death of Mr. Buller, 29th Nov. 1848.

The painful duty now arises of recording the premature decease of the president of the Poor-Law board. Mr. Buller died on the 29th of November, after only a few days' illness, having held the office of president little over eleven months. The value of his services must not, however, be measured by their duration. His kind and conciliatory manners, joined to firmness and great facility in transacting business, peculiarly fitted him for the duties he had to perform, whilst his general popularity, readiness of access, and the sound and comprehensive character of his views, secured for the department of which he had recently become the head a degree of consideration both in and out of parliament, which it had never previously attained. The paragraph in the board's report for 1848, which records and laments his decease, notices his unwearied devotion to the duties of his office, and declares that "the country had sustained a severe loss, in being thus early and unexpectedly deprived of the services of one of so much ability in the administration of the department, and whose estimable qualities conciliated general goodwill and regard." In this testimony to Mr. Buller's merits I most heartily concur, and if permitted to indulge personal feelings on such an occasion, I would add my own deep regret for the loss of a friend, to that which is so appropriately expressed by the board on behalf of the country.

Mr. Buller was succeeded in the office of president of

the Poor-Law board by the Right Honourable Matthew Talbot Baines, then M.P. for Hull, with respect to whom it need only here be said, that the loss occasioned by Mr. Buller's premature decease was rendered as light as it was possible for it to be, by the appointment of his successor. Between February, 1852, and the 1st of January, 1853, during Lord Derby's short administration, the presidentship of the Poor-Law board was held by Sir John Trollope, M. P. for South Lincolnshire. But on the accession of the present ministry, Mr. Baines resumed the office of president, the secretaries being C. L. Grenville Berkeley, Esq., M.P. for Evesham, and Lord Courtenay, who, on the author's being compelled by broken health to resign the office in 1851, was appointed the permanent or non-parliamentary secretary to the board.

The metropolitan parishes, in conformity with the provisions of Sir Jonas Hanway's Act,[p] although it was no longer in force, were still in the habit of sending their pauper children into the country for nurture and maintenance, mostly to two establishments formed for the purpose, one at Norwood, the other at Tooting. These were private undertakings, in which the children were "farmed," as it was called, at so much per head. Early in 1849 the cholera suddenly broke out among the poor children at Tooting, carrying off a considerable number, and the public sympathy was much excited on the occasion, it being supposed that the children had been grossly neglected. Little had hitherto been done towards forming district-schools for the metropolis, and doubts existed as to the right of the Poor-Law board to interfere with these "farming" establishments. From what now occurred at Tooting, however, it became evident that something was necessary for the protection of pauper and deserted children, especially those of the

[p] Ante, p. 67.

metropolitan parishes; and *The 12th and 13th Victoria, cap.* 13, was accordingly passed, commencing with this recital: "Whereas poor persons are sometimes lodged and maintained, under contracts or agreements for certain payments, in houses and establishments, not being the workhouses of any union or parish, nor subject to the effective control of any guardians or overseers or other parochial authorities, and no sufficient powers are vested in any authority to regulate the houses and establishments wherein such persons are lodged and maintained, and it is expedient that such powers should be given." The Act then empowers the Poor-Law board to make and issue regulations for the government of any house or establishment wherein poor persons shall be lodged or maintained under contract or agreement with guardians, overseers, or other persons, "or for the education of any poor children therein, in like manner as the said commissioners are by law empowered to do in the case of any workhouse belonging to any union or parish." The board are also empowered to remove any officer, servant, or assistant in any such establishment, and to regulate contracts, and to prohibit the reception or retention of any poor person or class of poor persons therein. Justices are empowered to visit these establishments, and the Poor-Law board and the Board of Health are each empowered to appoint inspectors to visit from time to time "any such house or establishment, and to ascertain the state and condition of the same, and of the poor people therein," and to report thereon respectively.

1849. 12 & 13 Vic., cap. 13.

The powers above indicated, were sufficient for securing the proper management of these receptacles of pauper children so long as they were permitted to continue; but they were in a short time superseded by the district school establishments, formed under the orders of the Poor-Law board, and having their educational proceedings conducted under the

superintendence of the Committee of Council on Education.

1848–49. The cholera.

The cholera made its appearance in the autumn of 1848, but was comparatively inactive during the following winter and spring. In the summer of 1849, however, it broke forth with increased virulence, occasioning great mortality in many places. The poorest of the people were, of course, chiefly its victims wherever it appeared, but its ravages were partial, many of the rural districts being exempt from its visitation. Even in some of the populous manufacturing towns it scarcely showed itself, and very few cases occurred in the union workhouses. The regulations promulgated by the Board of Health, with a view to preventing or mitigating this fearful malady, were forwarded by the Poor-Law board to the several boards of guardians, and were in general zealously executed, and in some instances anticipated—the union machinery thus proving its efficiency for other objects, irrespective of the administration of relief under the Poor-Law.

Reduction of expenditure and numbers relieved.

Notwithstanding the prevalence of cholera, and the incidental charges for sanitary arrangements in most of the unions, the expenditure was considerably reduced in the two years following 1848, when, as we have seen, it reached its third maximum of 6,180,765*l.*;[q] whereas in 1849 the expenditure amounted to 5,792,963*l.*; and in 1850 it amounted to 5,395,022*l.*, being less by 785,743*l.* than it had been three years preceding. The numbers relieved were lessened in proportion, and the evil of vagrancy had likewise remarkably decreased after the promulgation of Mr. Buller's minute at the end of 1848,[r] the number of vagrants relieved in 580 unions being—

On the 1st of July, 1848	13,714
„ 1849	5,662
„ 1850	2,954

[q] See ante, p. 415.

[r] See ante, p. 429.

or little more than one-fifth of the number to whom relief was administered in 1848, before the minute was circulated. There cannot be a stronger proof of its usefulness, and the soundness of the principle on which it was founded.

1850. Number of union officers, and amount of their salaries.

The number of paid officers, and the amount of their salaries in 1846, has already been given, the number of unions being then 591.[s] The following is a more complete statement of the several classes of paid officers in 1850, and the number of each class employed at that time in 604 unions and parishes under boards of guardians,[t] and 30 places under local Acts, together with the total and the average amounts of the salaries severally paid to them :—

Description.	Number.	Amount of salaries. £.	Average salary to each officer. £.
Clerks	634	69,941	110
Chaplains	466	21,695	47
Medical officers	3,156	156,494	50
Relieving officers	1,377	113,110	82
Masters and matrons	1,359	50,778	37
Schoolmasters	383	11,837	31
Schoolmistresses	501	10,473	21
Porters	442	7,971	18
Nurses	248	3,451	14
Superintendents of labour	69	2,723	39
Collectors or assistant overseers	3,042	72,410	24 [u]
Treasurers	622	1,464	2 [v]
Other officers	505	13,200	26
District auditors	49	13,143	268
	12,853	£548,690	

This statement possesses considerable interest, as showing the magnitude and the cost of what may be called the official staff employed in administering to the necessities of the poor in England. The prescribing of the duties, and fixing the salaries of each

[s] See ante, p. 396.

[t] In 1852 this number was increased to 608.

[u] Treasurers and collectors are usually paid by a poundage or commission, which is not included in the above. [v] Ibid.

and all of these officers, devolves, under the provisions of the Amendment Act, upon the Poor-Law board, to whom appeals are made in cases of alleged misconduct, and who are empowered to dismiss offenders. This power of dismissal is rarely exercised, and never until after a full and sometimes a lengthened investigation; but its existence secures a degree of order and efficiency which, without such a power, it would be impossible to establish among so numerous and varied a body of functionaries.

The amount of the salaries exhibited in the foregoing statement, is certainly large; and at times when the country is prosperous, employment abundant, provisions cheap, and all things moving in a satisfactory manner, the workhouse and its staff of attendants is apt to be undervalued, and the cost to be then complained of. The number of inmates at such times is usually small, and those for the most part aged and infirm persons and young children, all of whom might probably be provided for at a less cost; and the workhouse thus comes to be regarded as an encumbrance, and a source of continual and unnecessary expense. But even as regards the aged and infirm poor, the workhouse is always useful; for if on attaining an advanced age, or being visited by infirmity, every person was to be certain of being provided for in a way consonant to his own feelings and wishes, without any condition or countervailing circumstance to operate as a drawback upon the comforts involved in such a provision, all inducement to the exercise of provident industry and forethought in early life would be destroyed; and the union would become, as the parish had been in times past, a resort for the spendthrift, and the nursing mother of idleness and improvidence. It is only by coupling such needful relief as humanity and the law require, with conditions in themselves undesirable, or perhaps repul-

Workhouse applicable to the aged and infirm poor.

sive to the recipient, that these consequences can be averted; and this is accomplished by means of the workhouse, the option of tendering which enables the guardians to protect the ratepayers from being unduly burthened with the relief of the aged and infirm, and at the same time to protect the general community from what might otherwise virtually operate as encouragement to improvidence.

Use of the workhouse with regard to the able-bodied poor.

The foregoing observations apply to the workhouse in connexion with the relief of the aged and infirm poor. But with respect to the able-bodied, its usefulness, indeed it may be said the necessity for it, is still more obvious and urgent. In the multifarious occupations existing in this country, some are continually subject to stagnation, at times all are more or less so subject; and on such occasions, if persons temporarily out of employment through any cause—whether by a long-enduring snow-storm, as in the cases of Andover and Cuckfield, or by commercial embarrassment, as in the case of Nottingham[x]—were at once and without condition to be supported at the public charge, it is clear that the burthen might, under certain circumstances, become intolerable, and destructive of all property. The workhouse is a fence against this contingency. If rightly used, it so far repels applicants for relief, as to afford an assurance that nothing short of necessity will lead them to accept it, that all other available means for obtaining support will first have been tried; and if this has been done, and if the necessity be nevertheless urgent, no one will deny that it should be relieved at the public cost, and in the way least likely to occasion its recurrence, or to injure the public interest. Relief in the workhouse fulfils both these conditions, as was shown in the two instances just referred to; and its existence ought

[x] See ante, pp. 347 and 349.

therefore to be regarded as a security against a great and possible evil, cheaply purchased at the cost which it occasions, even although the house were to be almost or altogether void of inmates. Indeed it is hardly an exaggeration to say, as a general rule, that a workhouse may be regarded as being useful in proportion to the small number of its inmates.

The 13th and 14th Victoria, cap. 99, for the better assessing and collecting the rates on small tenements, is too important an Act to be passed over without notice. Its recital declares that "the collection of poor-rates and highway-rates assessed upon the occupiers of tenements of small annual value, is expensive, difficult, and frequently impracticable;" and it enacts that "it shall be lawful for the vestry of any parish, from time to time and at all times, to declare and order that the owners of tenements the yearly value whereof shall not exceed *six pounds*, shall be rated and assessed in respect of such tenements instead of the occupiers," which order can only be rescinded "by a majority of two-thirds at least of the votes of the persons present at a meeting duly called for that purpose." But the owner is, in respect of every such tenement, to be rated at no more than *three-fourths* of the amount at which it would otherwise have been liable to be rated; and the occupiers are to be entitled to the same municipal privileges as if they had been rated and themselves paid the rate. 1850. 13 & 14 Vic., cap. 99.

Early in the following session another Act of some importance was passed, for the better protection of poor children put out as apprentices or servants. Several instances of great cruelty had occurred, showing the necessity of further protection in such cases; and accordingly *The 14th and 15th Victoria, cap.* 11, was passed, directing "that where the master or mistress of any person shall be legally liable to provide for such person, as an apprentice or as a 1851. 14 & 15 Vic., cap. 11.

servant, necessary food clothing and lodging, and shall refuse or neglect to provide the same, or shall unlawfully assault such person whereby his life shall be endangered or his health injured," such master or mistress shall be held guilty of a misdemeanor, and on conviction be liable to imprisonment with or without hard labour, for any term not exceeding three years.

Protection of poor children put out as servants or apprentices.

A register is likewise to be kept of every young person under the age of sixteen hired or taken as a servant from any workhouse; and every young person so hired, or bound apprentice by the guardians or overseers of any parish or union, is, whilst under sixteen, to be visited by the relieving officer or some other person duly authorised at least twice in every year, who is to report in writing whether such young person is in all respects properly treated. The guardians and overseers are moreover required to prosecute for offences committed with respect to such young persons, and the costs of the prosecution are to be defrayed out of the funds of the union or the parish as the case may be. With reference to this Act, the board remark, that they have every reason to believe it will prove beneficial, "not only as affording protection to a class of poor persons for whom it was peculiarly wanted, but also as rendering the administration of the criminal law more prompt, certain, and effective." [y]

The expenses of litigation in questions connected with the chargeability of the poor had, as we have seen, long been a subject of complaint. The legislation of late years led to a material diminution of these expenses, and they were now reduced to a comparatively small sum. The 11*th and* 12*th Victoria, cap.* 110,[z] enabled the Poor-Law board to arbitrate, by consent of the parties interested, in cases connected

[y] See Fourth Annual Report of the Poor Law Board, p. 14.
[z] Ante, p. 399.

with the irremovable poor; but another Act was now passed of a more comprehensive character. 1851. 14 & 15 Vic., cap. 105. *The 14th and 15th Victoria, cap.* 105, enables any two unions, or any two parishes, or a union and a parish, "between whom any question affecting the settlement, removal, or chargeability of any poor person shall arise, to submit such question to the Poor-Law board for their decision; and the said board may, if they see fit, entertain such question, and by an order under their seal conclusively determine the same." The board express their belief "that this cheap and simple mode of determining such controversies will be adopted very extensively, and that it will be productive of important public benefits, not only by effecting a large pecuniary saving to the ratepayers, but by diminishing those animosities and heartburnings which costly litigation so naturally produces and exasperates."

The *6th section* of the Act also provides, that where in any parish or union there is a workhouse or building having more accommodation than is required for the maintenance and education of their own poor children, the guardians may, with the consent of the Poor-Law board, contract with any other union or parish not being more than 20 miles distant, "for the reception, maintenance, and instruction therein of any poor children under the age of sixteen years, being orphans or deserted by their parents, or whose parents or surviving parent shall consent;" and such children are, in all respects, to be treated as the children of the parish or union to which the workhouse or building belongs. This is a very useful extension of the power given by the *7th and 8th Victoria, cap.* 101, *section* 51, in the case of district schools. Any union or parish not having sufficient means of educating or accommodating its pauper children, is permitted by the present Act to agree for the reception of these children by any other parish

Guardians may agree with other unions for education, &c., of poor children.

or union not more than 20 miles distant, and having an excess of such means, subject only to the approval of the Poor-Law board and the consent of the parents.

Great importance of the audit.

The great importance of the audit of the union and parochial accounts had each year become more and more apparent, and much attention was given to the subject by the Poor-Law board. In their report for 1851 the board remark, that "its importance may be estimated from the fact that the poor's rates collected in England and Wales (including under that head the sums paid for county-rates, borough-rates, and various other purposes besides the relief of the poor to which the poor-rates are legally applicable) amount to about 7,000,000*l.* annually. The paid officers engaged in collecting this sum exceed three thousand. The paid officers through whose hands the greater part of it passes in its expenditure are nearly as numerous. Every one of these six thousand officers has a distinct account to render at the end of every half-year; and as the money is collected in small payments (rates), and expended in still smaller items (relief), the accounts relate in each case to several hundreds, and frequently thousands, of petty sums." Besides these accounts, it is added, "the auditors have to examine those of the unions, and of the overseers of parishes without assistant overseers or collectors, of which there are not fewer than ten thousand." This statement sufficiently establishes the necessity for a strict and systematic audit, without which disorder and malversation would be certain to occur; and even with an audit in its most perfect form, it may perhaps be impossible altogether to prevent the occurrence of the one or the other, or occasionally it may be of both. A uniform system of accounts, and a strict and uniform system of audit, are obviously essential elements of effective Poor-Law administration: without them the expenditure will not be kept within legal limits, neither can accurate

returns be obtained. The audit is indeed the bridle by which the various local administrators can, with the greatest readiness and certainty, be guided to what is right, and restrained from what is wrong; and its importance therefore can hardly be over-estimated.

Vaccination has already been noticed as one of the incidents not strictly appertaining to relief under the Poor-Law, the cost of which is defrayed out of the poor's rate.[a] The Tables of Mortality, published quarterly by the Registrar-General, showed that deaths by smallpox continued to take place, notwithstanding the offer of gratuitous vaccination to all classes, and the frequent admonitions of the Poor-Law board on the subject. The prejudice of some, and the negligence of others, were however gradually overcome, and the numbers vaccinated in Poor-Law unions went on increasing:— Vaccination.

In 1849	the number vaccinated was .	345,315	and the number in which it proved successful was .		333,248
In 1850	„ .	334,364	„		322,607
In 1851	„ .	349,091	„		338,947
In 1852	„ .	411,600	„		397,128
In 1853	„ .	376,218	„		366,593

The extension of vaccination must be considered as a boon to the whole community. It not only prevents the continual spread of a loathsome and often fatal disease, but it is also the means of preserving thousands in a state of health and efficiency, who would otherwise become helpless and pitiable objects, a burthen to themselves, and a charge upon the public. The various local boards engaged in the administration of the Poor-Law have done good service, and entitled themselves to the thanks of the country, by their efforts in extending the practice of vaccination.

With regard to education, the Poor-Law board in their report for 1851, state that the workhouse schools generally continue to increase in 1851–52. Education.

[a] See ante, p. 380.

efficiency, especially in the industrial training of the children — a matter to which, it is remarked, the attention of the guardians is becoming more and more directed; and a degree of progress, on the whole satisfactory in this respect, had then likewise, it is said, been made in the metropolitan districts. In the following year, the board state, that "when all the educational arrangements in progress are completed, the children of twenty-seven metropolitan unions and parishes (of which the whole number is forty) will be placed either in district schools or in schools detached from workhouses, where they will enjoy the advantages of country air and industrial training." [b] In the workhouse schools in other parts of the country, progressive improvement is said to be taking place, which the board attribute to the efforts of the guardians and the superintendence of the school inspectors. The average number of children attending the workhouse and district schools, during the half-year ending at Lady-day 1852, was—

Boys, under 10 years of age	8,245	
„ above 10 years of age	9,569—Total boys	17,814
Girls, under 10 years of age	8,729	
„ above 10 years of age	7,283—Total girls	16,012
	Total	33,826

1852. Grant towards the salaries of workhouse-school teachers.

The amount paid to boards of guardians, out of the grant made by parliament towards the salaries of workhouse-school teachers, for the year ending at Lady-day 1852, was 21,848*l.* 7*s.* 3*d.*; which is equal to 12*s.* 11*d.* per head on the number of children of all ages in the schools, supposing the average as above given for the six months ending at Lady-day correctly to represent the number for the entire year. But as the number in the winter half-year would probably be higher than in the summer half-year, the cost per head would then be proportionally increased.

[b] See the Poor Law Board's Report for 1852, p. 9.

The number of persons emigrating at the expense of the poor-rates has considerably increased of late years :[c]— 1849–1852. Emigration.

			£.	s.	d.
In 1849 the number of such emigrants was	1,576	at a cost of	11,973	13	6
1850 „	1,962	„	9,234	16	11
1851 „	1,840	„	12,609	12	4
1852 „	3,271	„	15,453	5	1

This emigration has for the most part been directed to Australia and Canada, especially to the former, whither 2,712 persons proceeded in the last of the above four years, out of the entire number of 3,271 who emigrated at the cost of the poor-rates. The extent of voluntary and spontaneous emigration during the last five or six years, has indeed been unprecedentedly large.

In 1850 the number of persons who emigrated to Canada was	32,873
To the United States	244,261
To Australia and New Zealand	87,881
To other places	3,749
Making a total of	368,764 persons.

From Ireland the emigration has been chiefly to the United States, whilst from England and Scotland the tide has taken the direction of Canada and Australia, the mineral treasures recently discovered in the latter colony operating as a counterpoise to the greater length and expensiveness of the passage. The impetus thus created has, within a very few years, had the effect of advancing the Australian colonies to a greater extent than they would, under ordinary circumstances, have attained in half a century, and has suddenly raised them into most important appendages of the British empire.[d]

In their report for 1852, the Poor-Law board give a detailed statement of the improvements effected in the

[c] See ante, p. 432.

[d] See Table in the Appendix showing the amount of emigration annually from 1815 downwards.

workhouses generally throughout the country, and of the new ones built or building, or for the providing of which arrangements had been made—all showing that greater attention than heretofore was now paid to the proper accommodation of the poor persons maintained in these establishments, and also showing that the uses of the workhouse, as tested by experience, were becoming better understood and more generally appreciated.

1852. Improvements in the workhouses.

The amounts expended in relief, and the numbers relieved, have been severally given down to 1848 inclusive,[e] in which year the expenditure attained what I have called its "third maximum." The following are like statements for the succeeding five years, ending at Lady-day 1853 :—

1849-1853. Expenditure on relief of the poor.

		£.	Per head on the population. s.	d.
In 1848	The expenditure in relief of the poor, as already stated, amounted to	6,180,765	7	1¾
1849	it was	5,792,963	6	6½
1850	„	5,395,022	6	1
1851	„	4,962,704	5	6½
1852	„	4,897,685	5	5½
1853	„	4,939,064	5	6

Although there has been a small increase of expenditure in the last year, probably owing to the increase which took place in the price of provisions in the latter part of it,[f] we see that an important reduction of a million and a quarter has been effected in the course of the above six years. The expenditure is still, it is true, considerably

[e] See ante, pp. 415 and 417.

[f] The price of wheat in 1853, at Mark Lane, was—

	s.		s.	
On the 2nd of July	45	to	49	a quarter.
„ 24th September . . .	58	to	64	„
„ 1st October	64	to	72	„
„ 29th October	68	to	78	„
„ 26th November . . .	69	to	78	„
„ 31st December . . .	73	to	82	„

The change in price is here almost as great and sudden as has been shown to have taken place at much earlier periods, when the country was in a comparatively rude state, and with very imperfect means of communication.

above what it was reduced to in 1837, three years after the passing of the Poor-Law Amendment Act; but if we take into account the three millions which since that time have been added to the population, the expenditure is not proportionally higher than it was then, the rate per head being, it will be seen, about the same.[g] If the rate of 10*s.* per head on the population, to which the cost of relieving the poor amounted in 1832, had prevailed in 1852, it would have reached close upon ten millions, an enormous amount to be abstracted from the industrial resources of the country; and that, but for the passing of the Poor-Law Amendment Act, it would have reached some such large amount, there is every reason for believing, the tendency down to that time having, with a few intermissions, been to a continual increase.

Since the passing of the Amendment Act, we see that the charge is no longer thus continually progressive. The burthen is now more elastic. Its pressure may, owing to circumstances, be at one time more heavy than at another, but it is nevertheless subject to control; and when the cause of the increased pressure has passed away, whatever ground was lost may again be recovered. This is an immense benefit conferred by the amended law, and the machinery which it has created. The poor-rate has ceased to be regarded as a kind of mysterious malady, irresistible in its progress, the cause of continual apprehension, and threatening to swallow up every description of property. It no longer causes alarm to the timid, or anxiety to the thoughtful; but it is looked upon as an institution calculated to promote the general welfare, by relieving destitution at the common charge—an object which it is now seen to be capable of fulfilling, not only without in-

[g] See Table in the Appendix. It may be as well to note that the statements of expenditure for relief of the poor include the charge of maintaining lunatic, insane, and idiotic paupers, which in 1852 amounted to 321,961*l.*

jury to any class or interest, but with increased security and positive benefit to all.

Number of persons relieved.

Until 1848, it had been the practice to take the number relieved during the quarter ending at Lady-day, as representing the number of persons relieved in each year; and thus a quarter the heaviest in point of destitution, became the standard for estimating the extent of pauperism. In order to obtain better data for the purpose, returns were afterwards made half-yearly of the number of poor persons in receipt of relief, both in-door and out-door, on the 1st of January, when the amount of pauperism may be expected to be about the highest, and on the 1st of July, when it may be expected to be the lowest. These returns however could only be obtained from the unions and single parishes acting under the board's regulations; and the numbers for the rest of the kingdom require to be estimated according to the relative amount of population. This is done in the following table, which places the results of these returns and estimations before the reader in one connected view.

Years.	Date of Returns.	Total number of Persons relieved, as returned by Unions and Parishes under the Poor Law Amendment Act.			For places not under the Poor Law Amendment Act, estimated in proportion to the Population on the basis of the preceding Return.	Estimated average total number relieved in each Year.	Ratio per cent. of Paupers relieved, on the estimated population.
		In-door.	Out-door.	Total.			
1849	1 January . .	131,591	855,573	987,164	214,870	1,043,886	6·0
	1 July . . .	102,641	783,096	885,737			
1850	1 January . .	118,952	812,376	931,328	193,637	978,373	5 5
	1 July . . .	93,916	737,864	831,780			
1851	1 January . .	111,974	750,853	862,827	185,949	930,933	5·2
	1 July . . .	93,074	720,015	813,089			
1852	1 January . .	107,335	728,025	835,360	181,031	906,313[h]	5·1
	1 July . . .	93,319	702,915	796,234			
1853	1 January . .	104,976	694,467	799,443	170,988	857,035	4·8
	1 July . . .	87,580	656,059	743,639			

[h] On the 1st of January, 1852, the number of insane, idiotic, and lunatic paupers was 21,158, viz. 9,521 males and 11,637 females. See Fifth Report of the Poor Law Board, p. 7.

We here see a very considerable diminution of the numbers relieved in comparison with the statement given at page 417; but as that statement was founded on returns of the winter quarters only, it is necessarily in excess of what it would have been if a return for the summer quarters also had been included. Thus the number of persons which it represents as being relieved in 1848, falls little short of double the number shown in the above table as relieved in 1849; and there is a similar excess in the entries for the other years, which are therefore only of use as affording the means of comparing one of those years with another, and not as representing the numbers actually relieved. Indeed it cannot be said that the latter table accurately represents this number, although it no doubt does so more nearly than the former, being founded on fuller data; but it still only gives the *average* number in daily receipt of relief, whilst the number of persons to whom relief was in some shape administered, might have been greater. For example, it would be possible for 365 persons to be relieved in the course of the year, and yet for only one person to appear on the books as relieved on any one day. In such case the return of the number relieved would be *one*, that being the daily average, although 365 actually received relief within the year. This however is obviously an extreme case, and is only noticed as showing the nature of such returns.

If the whole of the country were subject to the regulations of the Poor-Law board, in the same manner as the unions formed under the Amendment Act, it might be possible to ascertain the precise number of the persons relieved in the year, as well as the average number; but this can now only be a matter of estimation, and I am disposed to think, taking one thing with another, and making allowance for the families

of persons relieved (all children of whatever age being included in the returns), that the numbers given in the above table constitute a fair exposition of the extent of pauperism in the country, although it certainly is possible that the individuals actually relieved may somewhat exceed those numbers.

But a point of still greater importance than the aggregate number, is the number of able-bodied persons relieved in the year; and this is shown in the following table, founded on actual returns from the unions and parishes under the regulations of the Poor-Law board, and on estimation for the Gilbert and Local Act places.

Years.	Date of Returns.	Number of Adult able-bodied Paupers relieved, as returned by Unions and Parishes under the Poor-Law Amendment Act.								
		In-door.			Out-door.			In-door and Out-door.		
		Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
1852	1 January .	6,682	12,187	18,869	28,779	84,621	113,400	35,461	96,808	132,269
	1 July . .	3,544	9,525	13,069	26,970	83,336	110,306	30,514	92,861	123,375
1853	1 January .	5,379	11,667	17,046	25,392	78,574	103,966	30,771	90,241	121,012
	1 July . .	2,285	8,498	10,783	20,951	74,920	95,871	23,236	83,418	106,654

Years.	Estimated Totals for places not in Union, according to the Population on the basis of the preceding Return.	Estimated average number relieved in each year, Male and Female.	Proportion per cent. of able-bodied relieved, to total number of all classes relieved, including children.	Proportion per cent. of able-bodied Males to able-bodied Females relieved.
1852	37,136	146,390	16·2	34·8
1853	33,184	130,425	15·2	31·1

By this table we see that in the Poor-Law unions and parishes on the 1st of January 1852, there were 132,269 able-bodied persons in receipt of relief, and 123,375 on the 1st of July following; and that by adding a proportionate number for the places not under the new Poor-Law, viz. 37,136, there will be an

aggregate average of 146,390 able-bodied persons relieved in the year. For 1853 the aggregate is somewhat less, being only 130,425. Of these numbers, about one-third are able-bodied males; and of the other two-thirds, one-half consists of widows, and the remaining half includes the wives of the able-bodied males, women with bastard children, and those relieved for any other cause.

From the above table, combined with the returns appended to the reports of the Poor-Law board, we may venture to assume, that on the average of the years 1852 and 1853, there were in round numbers about 150,000 able-bodied persons relieved, of whom about one-third were males, one-third were widows, and one-third were other females. On the two last I do not think it necessary to offer any remark. They are burthens which must be borne, although they certainly ought to be kept within the narrowest limits consistent with humanity and good order. But with respect to the forty or fifty thousand able-bodied males who are on an average receiving relief throughout the year, much may be said, for these men ought all to be earning their own livelihood, instead of being supported out of the poor-rates. Only a small proportion of them are, we see, receiving in-door relief, which may account for their number being so great; since it cannot be doubted that according as the workhouse test is applied, whether stringently or the reverse, will, under ordinary circumstances, be the amount of able-bodied pauperism.

1852-53. Numbers of able-bodied persons relieved.

In a community such as now exists in this country, so largely occupied in commercial and manufacturing industry, and liable to be affected by the changes continually taking place, there must be alternations of prosperity and adversity, of abundance and dearth, of activity and stagnation, of the demand for labour exceeding the supply, and of the supply exceeding

the demand; and such changes will necessarily have the effect of occasionally throwing able-bodied persons out of employment. But this is a contingency against which men may and certainly ought to provide, by the exercise of care and forethought. They can however hardly be expected to do so, if on the occurrence of every reverse they are permitted to fall back upon the poor-rates for unconditional relief; and the condition of the relief being given in the workhouse is therefore as necessary for the protection of the rate-payers, as the relief itself is necessary for those who without it would be subjected to the extremity of want. A right use of the workhouse is the obvious remedy against an excess of able-bodied pauperism on the one hand, and for the relief of unavoidable destitution on the other; and if it were universally so used, instead of being as we see used very partially, the number of able-bodied men to whom relief is in some shape administered would not be so great as we now find it, and the habits of the working classes would be more provident and self-reliant, and their condition generally better.

Number of unions.

At the end of 1852 the number of unions and single parishes under the provisions of the Poor-Law Amendment Act, was 608. On the 1st of July 1853 the number had increased to 616, two new unions having been formed, and six parishes or places previously under local or Gilbert Acts having in the interim been brought under the operation of the Amendment Act. They were not however all provided with sufficient workhouse accommodation. In some even of the earlier unions the workhouses were still very imperfect, and there were twenty of the unions or parishes presided over by boards of guardians, in which this indispensable requisite for efficient management was yet altogether wanting.

The laws by which the relief of the poor in England

and Wales is governed, are of two kinds—first, those enacted by the imperial legislature, which are absolute and universally binding; and next, the orders and regulations of the Poor-Law commissioners, which are only binding on the parties to whom they are addressed, or in the places to which they are issued, and which are subject to the provisions of the Poor-Law Amendment Act.

Orders and regulations issued by the Poor-Law commissioners.

With respect to the orders of the commissioners, which we will first notice, it may be remarked that under the provisions of the amended law, all the details in connexion with the administration of relief were left to the direction of the commissioners, who were empowered to make and issue all such orders and regulations on the subject as they thought proper. In the exercise of this power, after a union had been declared by an order under the seal of the commission, a series of orders were addressed to it, regulating the proceedings of the guardians, and prescribing the duties of the several parochial and union officers, &c. The chief of these orders were, as has been stated, embodied in one 'general consolidated order,' and were so issued in 1847.[j] They consisted of—

1. The order for the election of guardians.
2. For regulating the proceedings of boards of guardians.
3. For apprenticing poor children.
4. Prescribing medical regulations.
5. For regulating non-resident relief.
6. The workhouse regulations.
7. Prescribing the duties of officers.
8. For keeping and auditing accounts.[k]

These were all 'general orders,' being addressed to

[j] See ante, p. 422.

[k] This was not included in the Consolidated Order, but was issued shortly afterwards.

more than one union, which constitutes the distinction between a general and a special order. There are likewise two other 'general orders' of great importance, which were issued to the unions as they became fitted for carrying them into effect, namely, the order prohibiting out-door relief to the able-bodied, and the labour-test order. These completed the series of general orders. The special orders are addressed to single parishes or unions for a variety of purposes, such as emigration, surveys and valuations, sales of parish property, remission of disallowances, &c.; and to show the frequency of the occasions which arise for such special orders, it may be mentioned that 1,076 were issued in the year 1850.

All the orders, whether general or special, are full and minute in their directions upon the subject to which they apply. The directions of the law are general, and not susceptible of modification, except where power for the purpose is expressly reserved. The orders of the commissioners are occasional, and can be readily altered or rescinded if necessary. Thus, in 1852, an order was issued to certain unions, directing that whenever the guardians should allow relief out of the workhouse to a widow, having a child or children incapable of work depending on her, or to an indigent person, helpless from age sickness accident or infirmity, one-third at least of such relief should be given in articles of food or fuel, or in other articles of absolute necessity; and also directing that, in case the relief should be allowed for a longer period than one week, it should be given or administered weekly. These directions were found to be inconvenient; and in consequence of strong remonstrances against them by several boards of guardians, the commissioners a few months afterwards issued another order, rescinding the first of the above directions, and so modifying the last as to leave it to the guardians to

administer the relief weekly, "or at such more frequent periods as they may deem expedient."

The advantage of having a flexible power of this nature lodged with the commissioners, and ready for use as occasions arise, is sufficiently obvious. Without it, the administration of relief under the continually varying circumstances of the times could not be well and efficiently conducted, but would be apt to occasion undue hardship and suffering to the poor, or to become lax, indiscriminating, and burthensome to the rate-payer. The only instance of the legislature's abolishing this discretionary flexibility, by interfering with the details of relief, is in the case of the *10th and 11th Victoria, cap.* 109, *sec.* 23,[1] which, as we have seen, directs that aged married couples shall not be separated in the workhouse. It would perhaps have been better if this had been left to the commissioners' discretion, instead of being made imperative. It was previously permitted by them in certain cases, and under certain conditions; but thus to prescribe it universally, and without exception or limitation, could not fail of causing difficulties and inconvenience, if not more serious evils, and may be taken as a proof of the impolicy of legislating on mere matters of detail in connexion with the relief of the poor.

Advantage of special orders.

With respect to the point first above mentioned—namely, the general laws governing the relief of the poor—these laws have all been cited in the progress of our present work; but it may nevertheless be useful to specify such of them as are now in force, and to which reference is most commonly made in connexion with the relief of the poor and the administration of parochial affairs, which are the following:—

The 43rd Elizabeth, cap. 2, passed in 1601, and constituting the foundation of our English Poor-Law.

[1] Ante, p. 413.

The 13*th and* 14*th Charles* 2*nd*, *cap.* 12, passed in 1662, the origin of the law of settlement. It has been more frequently amended than any other statute. The most important of these amendments are—

The 35*th George* 3*rd*, *cap.* 101, passed in 1795, preventing the removal of poor persons until they shall have become actually chargeable; and

The 49*th George* 3*rd*, *cap.* 124, enabling orders of removal to be suspended;

The 9*th and* 10*th Victoria*, *cap.* 66, passed in 1846, prohibiting the removal of any person who shall have resided in a parish five years without being chargeable thereto; and lastly—

The 11*th and* 12*th Victoria*, *cap.* 110, and *The* 12*th and* 13*th Victoria*, *cap.* 103, directing the cost of relieving persons who have so become irremovable to be charged to the common fund of the union.

The 41*st George* 3*rd*, *cap.* 23,[m] passed in 1801, for the better collection of the poor-rates.

The 54*th George* 3*rd*, *cap.* 170, enabling justices to discharge poor persons from payment of the poor-rates on the ground of poverty.

The 56*th George* 3*rd*, *cap.* 139, regulating the binding of parish apprentices.

The 59*th George* 3*rd*, *cap.* 12, the Select Vestry Act.

The 1*st and* 2*nd William* 4*th*, *cap.* 60, Hobhouse's Act.

The 4*th and* 5*th William* 4*th*, *cap.* 76, commonly known as 'The Poor-Law Amendment Act,' passed on the 14th of August, 1834.

The 6*th and* 7*th William* 4*th*, *cap.* 96, the Parochial Assessment Act

[m] Gilbert's Act (the 22nd George 3rd, cap. 33) has not been included in this list, as the time can hardly be far distant when it will be repealed, and the unions incorporated under it, and professing to be governed by it, be brought under the operation of the general law.

The 7th and 8th Victoria, cap. 101, further 'Amendment Act,' regulating proceedings in bastardy, and various other matters appertaining to the relief and management of the poor.

The 8th and 9th Victoria, cap. 117, and *The 10th and 11th Victoria, cap.* 33, concerning the removal of Scotch and Irish poor having no settlements in England.

The 10th and 11th Victoria, cap. 109, appoints the new commission, and prescribes its duties. Passed on the 23rd of July, 1847.

The 11th and 12th Victoria, cap. 31, amending procedure in orders of removal; *The 13th and 14th Victoria, cap.* 99, enabling vestries to rate the owners of small tenements instead of the occupiers; *The 14th and 15th Victoria, caps.* 11 and 105, the one providing for the better protection of apprentices, the other enabling the Poor-Law board to decide on questions of chargeability; and *The 16th and 17th Victoria, cap.* 97, providing for the care and maintenance of pauper lunatics, &c.; may likewise be named as Acts requiring to be attended to by the administrators of the Poor-Law.

These are the Acts which are most important and operative, and chiefly demand attention; but there are others, not noticed above, that require to be referred to occasionally. The number of Acts connected with the relief of the poor is indeed very great, and of late years especially has been much increased, a session rarely passing without adding one or more to the number. This process of continual addition has of course rendered the Poor-Laws in their present state not a little intricate as well as bulky; and few things would be more useful than a systematic consolidation of the various Acts into one compact and comprehensive code, where the administrators of the law might readily find

The number of Acts embarrassing.

the information of which they stand in need, instead of expending their time and perplexing their understandings by poring through various and possibly conflicting statutes, as of necessity is now often the case.

Consolidation of the law necessary.

The want of such a consolidation of the different Poor-Law Acts is so obvious, as not to stand in need of proof; but there is one consideration arising out of the state of the settlement question, which seems to make it desirable to delay entering upon the task of consolidation until that question shall be finally disposed of, as it may be hoped it now soon will be; for the settlement law, in its various branches and bearings, constitutes so large a portion of the laws connected with the relief of the poor, that if it were repealed, the general law would be left comparatively short and simple, would be relieved from the elements of antagonism by which it is now encumbered, and would only need to be put into such an orderly form as would render it easy of reference, and definite in its directions.

1852. 15 & 16 Vic., cap. 59.

According to the provisions of the 10*th and* 11*th Victoria, cap.* 109,[n] the powers of the Poor-Law board would cease at the end of the session of parliament held next after the 23rd of July, 1852; and now therefore *The* 15*th and* 16*th Victoria, cap.* 59, was passed, continuing those powers "until the 23rd day of July, 1854, and thenceforth until the end of the then next session of parliament." This continuing of the commission for so short a term as three years, may be thought to imply some doubt as to its permanence; but no such doubt is understood to have existed in any quarter, the shortness of the term being adopted solely with the view of keeping the whole question of the Poor-Law under the close and frequent supervision of parliament.

I might here close the history of our English Poor-

[n] Ante, p. 411.

Law, having reached the end of 1852-3, the period which I proposed for the termination of my task. But in February, 1854, a bill was introduced by Mr. Baines, the president of the Poor-Law board, "To abolish the compulsory removal of the poor on the ground of settlement, and to make provision for the more equitable distribution of the charge of relief in unions," which I may be allowed shortly to advert to. The bill was not immediately proceeded with, in consequence of its being determined, in the first instance, to inquire into the removal of the Scotch and Irish poor, for which purpose a committee was accordingly appointed. The subject of the bill is however so extremely important, and Mr. Baines's official position affords him such ample means of forming a right judgment upon the question, that I am unwilling to close this part of my work without giving a brief summary of his very able and comprehensive address to the House on the occasion.

Mr. Baines's speech on introducing a bill for abolishing settlement. February, 1854.

The subject, he said, was of the utmost importance to all the interests of the community, to agriculture and to commerce, to employers and to labourers, and above all to the class of destitute poor, of whom, from the official station he held, he must always consider himself the peculiar advocate. He then adverted to the information which had been obtained on the subject within the last few years through the select committee of 1847, and the local inquiries instituted by the late Mr. Charles Buller in 1848, all leading to the conclusion "that the present law was thoroughly bad and indefensible," and that the government ought to take steps for its amendment. The charge of maintaining their poor was now, he said, separately borne by 14,614 parishes, varying indefinitely in extent and population, there being in Durham, for instance, one parish of fifty-five thousand acres, while in the adjoining county of Northumberland

there is a parish of five acres. In upwards of seven thousand parishes the population is less than 300, and in nearly eight hundred parishes the population is less than 50. There were, he observed, about 620 Poor-Law unions, and although not all of the same size, there were no such monstrous discrepancies among them, as existed in parishes; and they were therefore, from this circumstance, as well as their smaller number, fitter areas of chargeability.

Mr. Baines then described some of the most prominent hardships arising out of the law of settlement. That law was, by many persons, supposed to confer a title to relief; but such was not the case, for "destitution, not settlement, gives the title to relief." He then pointed out the effects of the law in creating what are called "close parishes," and in driving the labourers to reside in "open parishes" at a distance from their work, and where their dwellings are often so over-crowded "that the greatest evils, social, sanitary, and moral, were found to be the result." The consequences of removal were next forcibly adverted to, and as the number of orders of removal issued in 1849, according to a parliamentary return, amounted to 13,867, it followed, supposing three persons to be comprised in each order, and if all the orders were executed, that in 1849 upwards of forty thousand poor persons were subjected to the hardship of compulsory removal. The Act of 1795,[o] exempting a person from removal until actually chargeable, and the Act of 1846,[p] prohibiting removal after a five years' residence, are noticed in terms of merited approbation; although it is shown how these and all the other Acts passed from time to time in mitigation of the law, had failed and been perverted.

The wasteful litigation engendered by the settlement

[o] The 35th George 3rd, cap. 101. Ante, p. 118.
[p] The 9th and 10th Victoria, cap. 66. Ante, p. 398.

law is next noticed, and the two Acts introduced by Mr. Baines himself to abate this evil are explained.[q] He then remarked, that from the time of Charles the Second downwards, he could not find a single writer or speaker of reputation who defended the principle of settlement, which, on the contrary, had been emphatically condemned by authorities deserving the most respectful consideration. Of these authorities he mentioned the committee of the House of Commons which was appointed to consider the subject in 1735, Adam Smith in 1776, Mr. Pitt in 1796, and, lastly, the committee of 1847,[r] in whose recommendations, both as regards settlement and the area of chargeability, he expressed his entire concurrence. He concluded by declaring that "he did not believe the House could adopt any legislation upon the subject without prejudice to *some* class of interests, and he was convinced that they could not let the law remain as it was without prejudice to *all*. My anxious wish has been (he said), in devising a remedy, so to frame it that any interference with private interests may be as little as possible in point of amount, and as justifiable as possible in point of principle."

This address produced a very marked effect, both on the House and in the country, and was generally considered to be conclusive against the power of compulsory removal, as well as against separate parochial chargeability; so that we may expect very shortly to see the former abolished, and union chargeability substituted for the latter. When this is done, there will be little occasion for further changes in our English Poor-Law, which may then be readily consolidated into one clear and comprehensive code, easy of administration,

[q] These were the 11th and 12th Victoria, cap. 31, and the 14th and 15th Victoria, cap. 105. Ante, p. 443.

[r] See ante, p. 420.

and intelligible to all: but these improvements are dependent on each other, and until the one is accomplished, it would be vain to attempt the other. For our near approach to the first, the country is largely indebted to the president of the Poor-Law board; and when the change he so ably advocates shall have been made, it is to be hoped that he will complete what is further wanted by causing the law to be consolidated, and as far as possible simplified. In the anticipation of shortly seeing these hopes and expectations realised, I here close the present work, which was undertaken solely through a sense of duty, and in the preparation of which my time and thoughts have, with little intermission, been I trust not altogether unprofitably occupied, since the day I quitted office.

THE END.

APPENDIX.

No. I.

POPULATION and Amount of the POOR RATES in ENGLAND and WALES, as the same are given at the several Periods in the present Work.

A.D.	Reigns.	Population.	Amount of Poor Rate.	Per Head on the Population.
			£	s. d.
1066	At the Conquest	2,150,000		
1381	Richard II.	2,350,000		
1415	Henry V.	3,000,000		
1509	Henry VII.	4,000,000		
1528	Henry VIII.	4,356,000		
1603	Elizabeth	5,000,000		
1625	James I.	5,500,000		
1660	At the Restoration	5,500,000		
1688	At the Revolution, somewhat above	5,500,000	Nearly 700,000	2 6
1701	..	..	Little short of 900,000	
1714	At the death of Anne	5,750,000	950,000	3 3¾
1760	At the death of George II.	7,000,000	1,250,000	3 6¾
1776	..	..	1,529,780	
1780	At end of American War	8,000,000		
1784	..	..	2,004,238	5 0¼
1801	The first Census	9,172,980		
1803	..	9,210,000	4,077,891	8 10¼

No. II.

STATEMENT of the Total Money levied as POOR RATE in ENGLAND and WALES, and the amount expended thereout for the Relief of the Poor, for the Years ended Lady-day 1813 to 1853 inclusive; together with the Population, and the Prices of Wheat.

Years ended at Lady-day.	Price of Wheat per Quarter.	Population deduced from Census Returns.	Total Money levied for Poor Rates and County Rates.	Expended for the Relief and Maintenance of the Poor.	Rate per Head on the Population.	Remarks.
	s. *d.*		£.	£.	*s.* *d.*	
1803	64 8	9,210,000	5,348,205	4,077,891	8 10¼	
1813	108 9	10,505,800	8,646,841	6,656,106	12 8	
1814	73 11	"	8,388,974	6,294,581		
1815	64 4	"	7,457,676	5,418,846		
1816	75 10	"	6,937,425	5,724,839		
1817	94 9	"	8,128,418	6,910,925		
1818	84 1	11,876,200	9,320,440	7,870,801	13 3	1st maximum.
1819	73 0	"	8,932,185	7,516,704		
1820	65 7	"	3,719,655	7,330,254		
1821	54 4	11,978,875	8,411,893	6,959,251	"	'*Overseer's Letters.*'
1822	43 3	"	7,761,441	6,358,704		
1823	51 9	"	6,898,153	5,772,962		
1824	62 0	12,517,900	6,836,505	5,736,900	9 2	1st minimum.
1825	67 6	"	6,972,323	5,786,989		
1826	58 9	"	6,965,051	5,928,502		
1827	56 9	"	7,784,352	6,441,088		
1828	60 5	"	7,715,055	6,298,000		
1829	66 3	"	7,642,171	6,332,410		
1830	62 10	"	8,111,422	6,829,042		
1831	67 8	13,897,187	8,279,218	6,798,889		
1832	63 4	14,105,600	8,622,920	7,036,969	10 0	2nd maximum.
1833	57 3	"	8,606,501	6,790,800		
1834	51 11	14,372,000	8,338,079	6,317,255	8 9½	*New Poor Law.*
1835	44 2	14,564,000	7,373,807	5,526,418	7 7	
1836	39 5	14,758,000	6,354,538	4,717,630	6 4¾	
1837	52 6	14,955,000	5,294,566	4,044,741	5 5	2nd minimum.
1838	55 3	15,155,000	5,186,389	4,123,604	5 5½	
1839	69 4	15,357,000	5,613,938	4,406,907	5 8¾	
1840	68 6	15,562,000	6,014,605	4,576,965	5 10½	
1841	65 3	15,906,741	6,351,828	4,760,929	6 0¼	
1842	64 0	15,981,000	6,552,890	4,911,498	6 1¾	
1843	54 4	16,194,000	7,085,595	5,208,027	6 5¼	
1844	51 5	16,410,000	6,847,205	4,976,093	6 0¾	
1845	49 2	16,629,000	6,791,006	5,039,703	6 0¾	
1846	53 3	16,851,000	6,800,623	4,954,204	5 10½	
1847	59 0	17,076,000	6,964,825	5,298,787	6 2½	
1848	64 6	17,304,000	7,817,450	6,180,765	7 1¾	3rd maximum.
1849	49 1	17,534,000	7,674,146	5,792,963	6 6½	
1850	42 7	17,765,000	7,270,493	5,395,022	6 1	
1851	39 11	17,922,768	6,778,914	4,962,704	5 6½	
1852	39 4	17,928,000	6,552,298	4,897,685	5 5½	3rd minimum.
1853	42 0	17,929,000	6,522,412	4,939,064	5 6	

No. III.

Amount of Emigration from the United Kingdom in each of the several Years from 1815 to 1853 inclusive.

Years.	North American Colonies.	United States.	Australian Colonies and New Zealand.	All other Places.	Total.
1815	680	1,209	..	192	2,081
1816	3,370	9,022	..	118	12,510
1817	9,797	10,280	..	557	20,634
1818	15,136	12,429	..	222	27,787
1819	23,534	10,674	..	579	34,787
1820	17,921	6,745	..	1,063	25,729
1821	12,955	4,958	..	384	18,297
1822	16,013	4,137	..	279	20,429
1823	11,355	5,032	..	163	16,550
1824	8,774	5,152	..	99	14,025
1825	8,741	5,551	485	114	14,891
1826	12,818	7,063	903	116	20,900
1827	12,648	14,526	715	114	28,003
1828	12,084	12,817	1,056	135	26,092
1829	13,307	15,678	2,016	197	31,198
1830	30,574	24,887	1,242	204	56,907
1831	58,067	23,418	1,561	114	83,160
1832	66,339	32,872	3,733	196	103,140
1833	28,808	29,109	4,093	517	62,527
1834	40,060	33,074	2,800	288	76,222
1835	15,573	26,720	1,860	325	44,478
1836	34,226	37,774	3,124	293	75,417
1837	29,884	36,770	5,054	326	72,034
1838	4,577	14,332	14,021	292	33,222
1839	12,658	33,536	15,786	227	62,207
1840	32,293	40,642	15,850	1,958	90,743
1841	38,164	45,017	32,625	2,786	118,592
1842	54,123	63,852	8,534	1,835	128,344
1843	23,518	28,335	3,478	1,881	57,212
1844	22,924	43,660	2,229	1,873	70,686
1845	31,803	58,538	830	2,330	93,501
1846	43,439	82,239	2,347	1,826	129,851
1847	109,680	142,154	4,949	1,487	258,270
1848	31,065	188,233	23,904	4,887	248,089
1849	41,367	219,450	32,191	6,490	299,498
1850	32,961	223,078	16,037	8,773	280,849
1851	42,605	267,357	21,532	4,472	335,966
1852	32,873	244,261	87,881	3,749	368,764
1853	34,522	230,885	61,401	3,129	329,937
Total	1,071,236	2,295,466	372,237	54,590	3,793,529

Average Annual Emigration from the United Kingdom } From 1815 to 1853 97,269
For the 5 years ending 1853 .. 323,002

LONDON:

Printed by W. Clowes and Sons, Stamford Street,
and Charing Cross.

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